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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

* * * * *

REVEREND GEORGES F. de LAIRE,
J.C.L.

v.

GARY MICHAEL VORIS, ANITA CAREY,
ST. MICHAEL'S MEDIA a/k/a CHURCH
MILITANT, and MARC BALESTRIERI

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* 21-cv-131-JL
* April 25, 2025
* 2:15 p.m.
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TRANSCRIPT OF DAMAGES HEARING - DAY ONE
BEFORE THE HONORABLE JOSEPH N. LAPLANTE

APPEARANCES:

For the Plaintiff: Suzanne Elovecky, Esq.
Partridge, Snow & Hahn

For the Defendant: Marc Balestrieri
Pro Se

Court Reporter: Susan M. Bateman, RPR, CRR
Official Court Reporter
United States District Court
55 Pleasant Street
Concord, NH 03301
(603) 225-1453

I N D E X

<u>WITNESS:</u>	<u>Direct</u>	<u>Cross</u>
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<u>GEORGES F. de LAIR</u>		
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By Ms. Elovecky	30	
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By Mr. Balestrieri		92
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<u>EXHIBITS:</u>	<u>FOR ID</u>	<u>IN EVD</u>
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Plaintiff's Exhibit A.		45
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Plaintiff's Exhibit B.		73
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1 P R O C E E D I N G S

2 THE CLERK: The Court is now in session and has
3 before it for consideration a damages hearing in 21-cv-131-JL,
4 Reverend de Laire versus Voris, et al., Marc Balestrieri.

5 THE COURT: All right. We're here for a default
6 damages hearing.

7 Father de Laire is here represented by counsel.

8 Mr. Balestrieri is here unrepresented, but he's --
9 at this point of the proceeding he has a right to be here and
10 participate because it's a default damages hearing. So his
11 default does not preclude him from participating.

12 Let me just ask you, Mr. Balestrieri. Do you
13 understand what's happening here today?

14 MR. BALESTRIERI: As much as I can in my capacity
15 as a regular citizen, not a licensed civil attorney.

16 THE COURT: Yeah, it's -- understood, but it's not
17 a complicated situation here today at all.

18 There's two parts to any civil litigation,
19 liability and damages.

20 Liability is deciding whether -- is when a Court
21 decides whether you can be held legally at fault for
22 something.

23 MR. BALESTRIERI: Uh-huh.

24 THE COURT: Damages is the part where if you are
25 legally at fault, what the Court orders you to compensate the

1 plaintiff with. How much and in what capacity. All right?

2 The liability part of the litigation has already
3 ended, and you've been deemed to be liable by default, not by
4 any sort of process so much as really more of a ruling based
5 on your failure to participate, but that's over. You're being
6 held liable for defamation.

7 And what happens today is Father de Laire is going
8 to present evidence of his damages, and you're going to be
9 able to cross-examine him, ask any questions you want to ask
10 him, and then when he's done, you'll be able to present any
11 evidence you want to present, and I'll consider it all in
12 deciding whether to award damages and if so, how much.

13 Do you understand?

14 MR. BALESTRIERI: Yes, sir.

15 THE COURT: All right. Let me ask this. Before we
16 do this, you know, you're sitting here together in a courtroom
17 in a federal courthouse. He's made a request here for
18 \$100,000 in damages. Do you want any sort of opportunity to
19 sit with his lawyer and discuss a settlement with him rather
20 than proceeding in this fashion? It might be that you could
21 work something out, and if you could -- you can't negotiate
22 through me, but if that's something you're interested in
23 doing, I would give you a short opportunity to at least talk
24 to each other since you're both here. Is that something you
25 are interested in?

1 By the way, even if you are, that doesn't mean they
2 are. So I'm going to ask them the same question, but I need
3 to at least give you the opportunity.

4 MR. BALESTRIERI: Can I -- and, forgive me, I don't
5 want to ask any questions that would be improper of the judge.

6 THE COURT: That's okay. Ask me anything you want.
7 I can't give you legal advice, but I can answer questions
8 about the process here.

9 MR. BALESTRIERI: I have a preliminary request
10 that's prior to the question of damages being addressed
11 procedurally from what I've been told. If I might raise that
12 briefly now?

13 THE COURT: It's very unlikely you're going to be
14 able to do that, but tell me what you have in mind.

15 MR. BALESTRIERI: Yes, your Honor.

16 So it has been exceedingly difficult for me to
17 obtain legal counsel as I've mentioned I think the last time I
18 was here, as well as also because New Hampshire is a very
19 tightly knit community. It's a small state. Everyone knows
20 each other. Those are common general reasons.

21 But just for an example, I secured local counsel
22 just recently. That counsel backed out due to being
23 conflicted.

24 THE COURT: Who was that?

25 MR. BALESTRIERI: I would rather not say, but it's

1 someone who's here in Concord if I'm not mistaken.

2 THE COURT: You would rather not say?

3 MR. BALESTRIERI: Is it required for me to say,
4 your Honor?

5 THE COURT: No, no, it's not required, but why
6 would you rather not say?

7 MR. BALESTRIERI: I don't want to put anyone on the
8 spot, but it's true.

9 THE COURT: You're telling me that you hired a
10 lawyer?

11 MR. BALESTRIERI: So I have found a federal
12 attorney, and I have a letter whereby he communicates to this
13 Court, if I can present it to the court clerk to bring to your
14 Honor.

15 THE COURT: Just tell me what you're looking for
16 here.

17 MR. BALESTRIERI: Yes, your Honor.

18 And do I need to stand when I address you?
19 Understood.

20 So I would like to make an oral motion for a
21 continuance based upon the fact that I've found a licensed
22 federal attorney, Christopher Kolomjec, who's admitted at
23 state, federal, and military practice. Well-known. He is
24 willing to -- he has -- he says -- if I can read you the
25 letter that he's written, your Honor?

1 THE COURT: I think I get it. Is he a member of
2 the bar in this court?

3 MR. BALESTRIERI: He's a member of the federal bar,
4 but he needs a local attorney in order to appear pro hac vice,
5 and that is the stumbling block that we've faced in my being
6 able to secure representation.

7 I have a skilled litigator. I don't have a local
8 attorney by reason of them all being conflicted or my not
9 wanting to pay an exorbitant amount of money, and I mean
10 exorbitant in order to secure representation, and so --

11 THE COURT: I'm sure there's plenty -- I mean, a
12 myriad of attorneys who are not conflicted in this case. I'm
13 sure.

14 MR. BALESTRIERI: Sir, it's been exceedingly -- I
15 must contradict that. At least fifteen to twenty attorneys.

16 THE COURT: Well, you've represented to this Court
17 repeatedly that you're destitute, okay, and I don't know if
18 you still are.

19 MR. BALESTRIERI: Your Honor, I wouldn't use the
20 term destitute, but I have extremely heavy financial
21 obligations and --

22 THE COURT: You have limitations on your ability to
23 pay counsel.

24 MR. BALESTRIERI: Yes, sir.

25 THE COURT: That sometimes can be a barrier to

1 getting counsel. Counsel want to be paid.

2 MR. BALESTRIERI: So I now have been able to raise
3 the funds needed to secure counsel. It's taken some time.

4 THE COURT: I mean -- here's the thing though,
5 okay? So you need local counsel to move his admission pro hac
6 vice so he can represent you in this default.

7 MR. BALESTRIERI: Yes, your Honor.

8 THE COURT: By the way, I would not be interested
9 in appointing a lawyer to help you file a motion to remove the
10 default. That's a long time ago.

11 MR. BALESTRIERI: I think you've addressed that in
12 your most recent court orders.

13 THE COURT: Yeah. The problem though is -- I mean,
14 you know, respectfully, this is a lot of drama.

15 Where did you come from today? Where did you
16 travel from?

17 MS. ELOVECKY: I traveled from Massachusetts.

18 THE COURT: Where?

19 MS. ELOVECKY: Danvers, Massachusetts. It was an
20 hour and fifteen minute drive.

21 THE COURT: Right. I mean, your lawyer even though
22 he's not a member of our bar could easily have contacted the
23 court -- if he's any kind of lawyer, could have contacted the
24 court and said, look, Mr. Balestrieri wants to retain me, I
25 need to line up local counsel, can I have some more time. And

1 counsel would have even agreed to that I'm sure.

2 MR. BALESTRIERI: Your Honor, this letter is --
3 this commitment was offered yesterday, April 24th, in writing
4 from this federal court attorney.

5 THE COURT: Yeah, it's just too much drama.

6 MR. BALESTRIERI: It's also my first motion for a
7 continuance. I've never to date requested a motion for a
8 continuance.

9 THE COURT: You haven't been before the Court until
10 today. You're not before the Court.

11 MR. BALESTRIERI: I also traveled from far away. I
12 traveled further.

13 THE COURT: It would have been easier and more
14 reasonable to just have this lawyer, even if it was
15 yesterday -- and the idea that he doesn't know that raises
16 questions. That it would have been a better idea for him to
17 contact us, explain it, and be in touch with counsel lawyer to
18 lawyer.

19 Because do you think she wants to come up here
20 today and walk into a courtroom and have someone say I would
21 like to postpone this? It's not reasonable.

22 MR. BALESTRIERI: Sir, for a case that's lasted --
23 when was this case initiated, back in 2019 or in 2020? I
24 don't recall exactly. It's been at least five years.

25 MS. ELOVECKY: February 2021.

1 MR. BALESTRIERI: February 2021. Thank you.

2 THE COURT: What's your point?

3 MR. BALESTRIERI: My point is that to request a
4 continuance, per what he requests, for four to six weeks to
5 allow adequate time to retain appropriate local counsel and
6 prepare for the forthcoming hearing on damages.

7 (Court reporter asks Mr. Balestrieri to speak slower)

8 Pardon me. I'll repeat.

9 THE COURT: You don't need to repeat. You don't
10 get it, okay? It's not that the request is unreasonable. The
11 request is not unreasonable. Walking into court and making
12 the request is unreasonable when it could have been prevented.

13 Lawyers cost money. She's here representing Father
14 Balestrieri, right? Nobody wants to --

15 MR. BALESTRIERI: Father de Laire.

16 THE COURT: Sorry. Father de Laire. My mistake.
17 Sorry about that.

18 But, you know, people have -- there's a court
19 reporter here and a deputy clerk in the room. I'm here, I've
20 prepared, but you walk in the day of.

21 MR. BALESTRIERI: I apologize to the Court and to
22 the plaintiff and his counsel.

23 This just materialized yesterday afternoon/evening.
24 It was not easy to obtain a commitment from this attorney.

25 He also needed to know more, but he decided to

1 proceed and expresses clearly in black and white:

2 "I am in the process of securing local counsel and
3 will be submitting a formal appearance on Mr. Balestrieri's
4 behalf."

5 THE COURT: Slow down. Slow down. The court
6 reporter has to keep up with you.

7 MR. BALESTRIERI: I apologize.

8 THE COURT: You don't need to read the letter.
9 Just hand the deputy clerk your letter, and I'll read it.

10 MR. BALESTRIERI: Yes. Do I pass one to --

11 THE COURT: You can do whatever you want.

12 (Mr. Balestrieri gives a copy to the Court and counsel)

13 (Pause)

14 I want to know who the lawyer is that you said had
15 a conflict and couldn't participate. Hey, this is not a deep,
16 dark secret.

17 MR. BALESTRIERI: Sir, it's a question of names.
18 I'm trying to recall the name. I apologize.

19 THE COURT: You don't remember the name?

20 MR. BALESTRIERI: Not off the top of my head. I'm
21 trying to think.

22 THE COURT: Okay. All right. Look, this is a very
23 reasonable request, just not in the way it's being done. It's
24 being done in a way that was inefficient, wasteful, and
25 disrespectful to your opponent and counsel.

1 Now, look, you've apologized for it, apology
2 accepted, but I'm not going to grant this relief unless
3 adverse counsel would prefer to deal with counsel instead of
4 dealing with you. If adverse counsel doesn't want to go along
5 with this, we're going to have a hearing today.

6 I understand your request, but the way you've done
7 it is sort of more of the same of your conduct in this
8 situation.

9 MR. BALESTRIERI: Your Honor, if I can respectfully
10 submit --

11 THE COURT: Here's what's not respectful. You
12 interrupting me.

13 What is it you respectfully want to do now?

14 MR. BALESTRIERI: Your Honor, I respectfully submit
15 that the way I've handled this in the Court's eyes
16 inappropriately only underlines my need for counsel. I did
17 not know that this was improper.

18 I, secondly, factually only obtained this attorney
19 yesterday, but I've been working --

20 THE COURT: I know, but for him not to know that
21 the right move is to contact the Court speaks volumes about
22 this lawyer, okay? For him to tell you to walk in here with a
23 letter, that's --

24 MR. BALESTRIERI: He didn't tell me that. If I may
25 speak?

1 THE COURT: There's a letter here.

2 MR. BALESTRIERI: I requested it.

3 THE COURT: Okay. You requested it.

4 He didn't send it to us. He didn't call us. He
5 didn't do any of those things, and yet there's people here who
6 have spent time, money, and resources preparing to litigate
7 today. So to walk in the day of is unreasonable.

8 And aren't you a canon lawyer?

9 MR. BALESTRIERI: A very different forum, your
10 Honor.

11 THE COURT: I doubt you're allowed to walk into
12 canon court the day of proceedings and ask for delays in ways
13 that were very preventable if people had notice ahead of time.
14 I doubt it. I know it's very different, I'm not an expert in
15 canon law, but I doubt that that kind of practice is
16 countenance.

17 MR. BALESTRIERI: It's subject to conditions and
18 facts, your Honor. If I may, again, it's only preventable
19 inasmuch as one could ask ahead of time.

20 This was just secured yesterday. This commitment
21 was not easy to obtain at all. And so when you say
22 preventable, I've had tremendous difficulty finding local
23 counsel by reason of conflicts which I mentioned, and someone
24 who's skilled as a federal court litigator was even more
25 difficult.

1 THE COURT: Okay.

2 What's your position?

3 MS. ELOVECKY: Your Honor, Father de Laire objects
4 to this request.

5 As you know, Mr. Balestrieri was here almost two
6 years ago and at that time was saying he had difficulty hiring
7 counsel.

8 Even if we were to agree to this today, there is
9 nothing that prevents a further request. This case has been
10 pending for quite some time.

11 As you've properly surmised, we have spent
12 significant time preparing for today, including preparing for
13 testimony which of course needs to happen close in time to
14 said testimony. We would have to redo some of that
15 preparation.

16 I think that it is highly prejudicial to the
17 plaintiff given the amount of time that this hearing has been
18 set and that Mr. Balestrieri has been aware of this action and
19 his need for counsel. As I said, we know that on June 15th of
20 2023, he was here in this courtroom saying the same things.
21 There is nothing that prevents him from saying it again in
22 four to six weeks, and any continuance from today is highly
23 prejudicial to Father de Laire.

24 THE COURT: I actually agree.

25 MS. ELOVECKY: Thank you, your Honor.

1 THE COURT: The letter dated April 24th from
2 Attorney Kolomjec says that he respectfully requests an
3 adjournment of four to six weeks to allow adequate time to
4 retain appropriate local counsel and prepare for the
5 forthcoming hearing on damages.

6 He can't make a request respectfully or not. He's
7 not before the Court. He's not a member of the bar. He
8 hasn't filed an appearance in this case. So it's not that
9 this request is -- this request by Attorney Kolomjec,
10 completely inappropriate, completely -- well, inappropriate is
11 the right word, but I guess what I'm saying is it's improper.

12 For you to make the request, though, is not
13 improper. For you to ask for it is not improper.

14 So I'm going to set aside that this request was
15 ever made because it's improper, but I'm considering your
16 request to give yourself time to hire a lawyer.

17 If adverse counsel had gone along with it, I would
18 allow it. I'm prepared to go, I've spent time preparing, but
19 I would disregard that if adverse counsel and Father de Laire
20 agreed to it, but they don't agree to it. So we're going to
21 proceed today.

22 You've had plenty of time. There's nothing that
23 made it impossible to hire a lawyer until yesterday. There
24 isn't.

25 MR. BALESTRIERI: May I respond, your Honor,

1 briefly?

2 THE COURT: It isn't about brief or -- it isn't
3 about briefly or taking a long time. You're going to be able
4 to say everything you want here today. It's almost as if you
5 think I'm impatient with you. We've bent over backwards for
6 you. You don't seem to understand that. The whole process
7 has been bending over backwards for you.

8 It makes no sense that you don't think you could
9 have spoken to a lawyer from Novi, Michigan, until yesterday.

10 You're about to tell me why it was impossible until
11 yesterday, and I guess if you want me to listen to that, I
12 will, but I'm very unlikely to be persuaded by what you're
13 about to say. So go ahead if you want.

14 MR. BALESTRIERI: Your Honor, very respectfully,
15 back here two years ago when I appeared in court in June of
16 2023, I had a situation which the plaintiff and his counsel
17 know fully well about, and that is a situation with my mother,
18 86 years old now, who suffered a cataclysmic situation, a
19 sequence of events back in December 2021. She remains
20 bedbound with aphasia. She is incapable of taking care of
21 herself.

22 I'm providing caregivers practically around the
23 clock when I'm not there, and I cannot begin to tell you the
24 difficulty being an only child having to provide her care.
25 Not simply putting her in a nursing home and forgetting about

1 her, but providing the care that a dutiful son is obliged to
2 provide, which I aim to do and am doing. That costs a
3 tremendous amount of money.

4 Secondly, my father caught cancer -- acquired
5 cancer, three kinds of cancer that metastasized. He was sick
6 for the entirety of 2023 and died at the end on November 19,
7 2023.

8 THE COURT: I'm sorry about that.

9 MR. BALESTRIERI: Which I think I mentioned he was
10 already gone when I came to this court, and it should be on
11 the record if I recall correctly.

12 But we all have parents who age, get sick, and die.

13 THE COURT: Every day people litigate in this court
14 with the same problems you have.

15 MR. BALESTRIERI: Yes, sir.

16 THE COURT: I sympathize, but I don't understand
17 where you're going with this.

18 MR. BALESTRIERI: So most of the law firms that I
19 contacted here in New Hampshire wanted a deposit of \$25,000
20 simply to secure representation. Off the bat, 25,000. A
21 local attorney wanted -- 10,000 I think was the common amount
22 that they needed.

23 But when I am burdened with having to find funds
24 week to week to provide for medical care of my mother and come
25 up with \$25,000, \$10,000 --

1 I also traveled much further away than Attorney
2 Elovecky. I regret that she has been inconvenienced despite
3 the fact that she is being compensated for that.

4 I did not relish the burden of coming here, but I
5 was called, notified duly by Ms. Otis of this hearing.

6 All I can say is that it seems as if this system,
7 this particular case it seems, I'm not saying it is, is
8 leveraged by a matter of fact, not by design, on the abilities
9 of a wealthy individual to be able to file suit. It's just
10 the way our system is perhaps, but there is no doubt that
11 there is a power differential and a disparity of means to
12 provide for counsel, and I've been adversely affected by that.

13 And now that I've finally found federal counsel to
14 assist and am requesting a delay, a postponement of four to
15 six weeks for a case that's lasted five years, I discussed it
16 with Attorney Kolomjec, he did not seem to think that it would
17 be improper to ask for a small delay for me to be able to
18 continue looking for local counsel now that I've also found
19 the funds beyond that which is needed to take care of my
20 mother. My mother's health and caregiving has always been my
21 main priority. I think I submitted that in writing in my
22 response.

23 THE COURT: I take you at your word for that.

24 MR. BALESTRIERI: So I respectfully submit and
25 request that the Court please take that under advisement.

1 MS. ELOVECKY: Your Honor, I would like to respond.

2 THE COURT: If you think you need to.

3 MS. ELOVECKY: For the record.

4 Your Honor, I hear what Mr. Balestrieri is saying.
5 I would like to point out that, first of all, Father de Laire
6 lost his own mother in November of 2024 after an illness that
7 required him to be out of the country for months. That is, as
8 you mentioned, not something that is unusual.

9 Father de Laire is not here because he wants to be.
10 He is here because he's been defamed and because he is looking
11 to have equity and justice as a result of that.

12 Father de Laire in no small part because of Mr.
13 Balestrieri's own actions has had a significant increase in
14 the attorney's fees that he has been required to pay in this
15 matter by the tune of hundreds of thousands of dollars, and we
16 absolutely do not feel that the reasons listed by Mr.
17 Balestrieri in any way justify the highly prejudicial request
18 that's being made today.

19 THE COURT: Yeah. Understood.

20 Look, I definitely sympathize, but I can't
21 countenance walking into a courtroom the day of the proceeding
22 and asking for a delay that could have been asked for -- that
23 you could have made yesterday, but your counsel should have
24 known better, the one you claim to have hired in Michigan.
25 It's just -- it's completely inappropriate and strange

1 credulity that this man, Attorney Kolomjec, would think this
2 is the approach that you should take. It's not.

3 What we're going to have to do today is proceed
4 with our hearing. I'm not going to grant your request for a
5 continuance. It's unreasonable under the circumstances given
6 where we've been in this litigation to ask of anyone, but the
7 method of doing it in the courtroom on the day of the
8 proceeding as opposed to in advance makes it even more
9 inappropriate and unmeritorious.

10 Let's proceed.

11 This is an evidentiary hearing. You may proceed.

12 MS. ELOVECKY: Thank you, your Honor.

13 May I make one sort of request of information and
14 one kind of opening argument or question before I ask Father
15 de Laire to take the stand?

16 THE COURT: Sure.

17 Mr. Balestrieri, you'll be able to make an opening
18 yourself. Listen to what she says. If you want to respond to
19 it, you'll be able to do that.

20 MR. BALESTRIERI: Thank you.

21 MS. ELOVECKY: As your Honor knows, we are here
22 today seeking damages against the defaulted defendant Marc
23 Balestrieri.

24 Mr. Balestrieri not only failed to respond to the
25 complaint in this matter, but he also evaded service on

1 multiple occasions when we were attempting to serve him with
2 both a subpoena and a summons.

3 And he also, as we discovered through the discovery
4 process, that he had actually colluded with the other
5 defendants in this case to improperly conceal material
6 evidence and information from Father de Laire throughout the
7 length of this litigation.

8 We now know that Mr. Balestrieri is the author of
9 the January 17, 2019, article that was published by
10 churchmilitant.com, and it is those actions and the drafting
11 of that article and the defamatory statements made therein for
12 which we are seeking damages today.

13 The damages take the form of reputational harm and
14 emotional distress damages. And as you know, Father de Laire
15 is here and is prepared to testify as to the damages he
16 experienced which he also gave a summary description of in an
17 affidavit that was submitted to you.

18 The Court has permitted Mr. Balestrieri the
19 opportunity to refute Father de Laire's request for damages.
20 In response, Mr. Balestrieri filed an affidavit which by my
21 read is seeking to reopen the question of liability rather
22 than damages.

23 And it would be my request, your Honor, that that
24 affidavit and those topics be conclusively stricken and that
25 your Honor give direction to this proceeding that we are not

1 addressing matters of liability.

2 If your Honor is inclined to entertain the issues
3 raised in Mr. Balestrieri's affidavit, Father de Laire is
4 prepared to testify to same, but it will be more efficient if
5 we are not dealing with those liability matters.

6 Also in Mr. Balestrieri's affidavit he engages in
7 impermissible and improper hearsay where he conveys the
8 out-of-court statements which are offered for the truth of the
9 matter therein. That takes place at paragraphs 11, 12, 14 and
10 16 of his affidavit which we would ask again that the Court
11 not consider and that be stricken based on that impermissible
12 hearsay.

13 And of course if Mr. Balestrieri provides any
14 testimony today, I will make the appropriate objections at
15 that time.

16 At this time we are happy to have Father de Laire
17 be able to take the stand and are happy to proceed before your
18 Honor in determining the damages in this matter.

19 THE COURT: All right. You may call your witness.

20 Actually, you've opened, so we're going to give him
21 a chance to respond.

22 MS. ELOVECKY: Thank you.

23 THE COURT: If you want to respond to what she said
24 in her opening, I'll listen.

25 MR. BALESTRIERI: Thank you, your Honor.

1 This is the first time I'm doing this in federal
2 court, so forgive me for lack of form or other potential
3 improper means of proceeding.

4 I would like to first respond by saying that
5 everything that I've provided information for is a source,
6 bearing in mind that I was not the only source but one of
7 multiple sources, is not defamatory because it's true.

8 Now, that has been litigated and the period for
9 argument has closed, but that is my response to an affirmation
10 on the part of counsel for plaintiff de Laire --

11 THE COURT: Right.

12 MR. BALESTRIERI: -- first and foremost.

13 Secondly, Attorney Elovecky makes the assertion
14 that I have, quote, evaded service, that multiple times I
15 failed to participate.

16 First and foremost, the first communication I
17 received from this Court was a notice of default dated October
18 25, 2022, if I'm not mistaken.

19 In the canonical system court decisions are
20 communicated from the judge, from the tribunal court clerk,
21 called a notary, to the parties concerned.

22 I had received the text message from Christine
23 Niles of St. Michael's Media, Church Militant, advising that
24 someone was looking to add me on but never anything definite
25 indicating that I had in fact been added as a defendant, and I

1 was waiting, as I thought I indicated in my text messages, to
2 be notified by the court per the canonical system.

3 You asked me you would imagine that in canon law
4 something happens a certain way. That goes both ways, your
5 Honor. I was waiting for the court to notify me based upon my
6 experience in canon law, and I received nothing from the court
7 until that notice of default being entered.

8 Secondly, plaintiff de Laire also states that he
9 has suffered reputational harm and emotional distress, but
10 since we're -- since your Honor has mentioned canon law as
11 being some basis for how this Court might proceed --

12 THE COURT: I didn't do that.

13 MR. BALESTRIERI: I mentioned that canon law --

14 THE COURT: I didn't mention canon law as a basis
15 of how to proceed. I mentioned canon law as an example of how
16 I think it would be very unlikely that people would walk into
17 court the day of a proceeding asking to delay a proceeding
18 when it would have been very easy to ask in advance. That's
19 all I did. Canon law has got nothing to do with how to
20 proceed here.

21 MR. BALESTRIERI: I stand corrected, your Honor.
22 However, canon 1420 -- this is relevant to the issue raised by
23 Attorney Elovecky and plaintiff. Canon 1420, paragraph one of
24 the Code of Canon Law states, quote, the judicial vicar and
25 the associate judicial vicars must be priests of good repute

1 with a doctorate or at least a licentiate in canon law and not
2 less than thirty years of age, end quote.

3 To my knowledge, Father de Laire has been since
4 prior to my first contact with him as an advocate judicial
5 vicar, and he remains to this day without interruption
6 Judicial Vicar of the Diocese of Manchester. Hence, he has
7 continuously enjoyed the good repute and trust of the Bishop
8 of Manchester. If he had suffered reputational harm, he would
9 no longer be judicial vicar. He would no longer be a judge.
10 He wouldn't be working in that tribunal.

11 THE COURT: Or at least -- it's a good point, or at
12 least we would have evidence that his reputation with the
13 Bishop and those close to him have somehow been diminished.
14 You're right.

15 MR. BALESTRIERI: And, to the contrary, he's been
16 reaffirmed to those positions -- reconfirmed.

17 Secondly, the faithful continue to present cases to
18 him without objection to his standing in the community point
19 of view reputation. They still -- there's no objection to my
20 knowledge to Father de Laire processing cases as judicial
21 vicar by reason of any publication of this article or any
22 comments that appeared in the press. So he stands indemn
23 without having suffered reputational harm in that regard.

24 Third, Attorney Elovecky and plaintiff de Laire
25 presented printouts of comments next to the Church Militant

1 article that appeared in 2019. Those comments are a mix of
2 negative and positive comments. They're not purely negative.

3 But I really would like to underline the fact that
4 Canon 1420 is applicable to this case by analogy, by way of
5 example, because, again, if he had lost reputation, you
6 wouldn't want him to be in this position.

7 THE COURT: That's a fair point. That's definitely
8 a fair point.

9 MR. BALESTRIERI: Now, regarding emotional
10 distress --

11 THE COURT: I don't know if I accept that he
12 wouldn't still have the position, but I do agree with your
13 point that the fact that he still has the position is some
14 evidence against a diminution of his reputation for sure.

15 MR. BALESTRIERI: He enjoys a good standing in the
16 community to this day. He has not suffered by reason of this
17 article.

18 THE COURT: I get your point.

19 MR. BALESTRIERI: Thank you, your Honor.

20 MS. ELOVECKY: Your Honor, I'm sorry, I understand
21 we have a pro se litigant, but it does sound like some attempt
22 of evidence being offered during an opening, and I just want
23 to put an objection on the record.

24 THE COURT: Overruled.

25 By the way, if you disagree with that fact that

1 he's still in good standing -- I assume he is. Do you dispute
2 that? Counsel, do you dispute that?

3 MS. ELOVECKY: That he's still in good standing and
4 that he's been reappointed?

5 THE COURT: Yeah.

6 MS. ELOVECKY: No.

7 THE COURT: All right.

8 MS. ELOVECKY: I'm sorry. I believe more had been
9 said. That wasn't --

10 THE COURT: Well, he did. He said if he -- he said
11 if his reputation had been damaged, he wouldn't have the job
12 anymore. I don't accept that.

13 Look, he's just making his opening.

14 MS. ELOVECKY: Okay. Thank you, your Honor.

15 THE COURT: Go ahead.

16 MR. BALESTRIERI: Your Honor --

17 THE COURT: I ruled in your favor. Keep going.

18 MR. BALESTRIERI: Thank you, your Honor.

19 I believe he's also a pastor or exercising public
20 ministry. In any diocese in the United States one cannot do
21 that if one has a bad reputation. Especially in Boston.

22 To the contrary, I know of cases where Father de
23 Laire has set aside, revoked permission for priests in the
24 Diocese of Manchester to exercise public ministry because
25 their reputation has come into bad repute.

1 THE COURT: Slow down. Slow down for the reporter.

2 MR. BALESTRIERI: Pardon me.

3 THE COURT: Okay. I'm following.

4 MR. BALESTRIERI: When it comes to the question of
5 the allegation of emotional distress being suffered by
6 plaintiff de Laire, I would like to point out that in his
7 affidavit --

8 THE COURT: Wait a minute. Don't present your
9 whole case. This is an opening. You're going to get to
10 cross-examine him and you're going to get to present evidence.

11 MR. BALESTRIERI: Of course.

12 THE COURT: Just tell me generally -- I mean,
13 you've only got about one minute left here. It's just an
14 opening.

15 MR. BALESTRIERI: Yes, your Honor.

16 When it comes to emotional distress, I would like
17 to affirm that plaintiff de Laire has contributed to the
18 emotional injury that he allegedly suffered.

19 He states here on point No. 32 of his affidavit
20 filed on February 4, 2025: I was taking less than the
21 prescribed dosage of my medications. After the article was
22 published and I suffered heightened anxiety, I increased my
23 dosages.

24 So prior to the article being published, he was
25 taking less than what his doctor prescribed him to take.

1 There's an axiom in Latin, no one can invoke one's
2 own turpitude, nemo potest invocare turpitudinem suam. One
3 cannot claim --

4 THE COURT: She's not going to know how to
5 transcribe Latin.

6 MR. BALESTRIERI: One cannot invoke one's own
7 failings, by way of dynamic translation, in support of a
8 remedy for tort.

9 THE COURT: We call that in this court a duty to
10 mitigate damages, and if there's other sources of the damage
11 that's being complained of, you are free to point that out.

12 MR. BALESTRIERI: Yes, your Honor.

13 THE COURT: And you have, yeah.

14 MR. BALESTRIERI: Thank you.

15 When it comes, lastly, to the question of my
16 testimony and my response being stricken from the record, then
17 I would seriously call into doubt the question of due process
18 being offered by this Court.

19 Everyone has a right of response. According to the
20 natural law, which Father de Laire recognizes the natural law,
21 canon law, this is a court of common law, civil law, and I
22 would pray that this Court not strike from the record the very
23 few written contributions that I have made for the Court's
24 consideration.

25 THE COURT: Understood.

1 MR. BALESTRIERI: Thank you.

2 THE COURT: You may proceed.

3 MS. ELOVECKY: Thank you, your Honor.

4 I call Father de Laire to the stand.

5 GEORGES F. de LAIRE

6 having been duly sworn, testified as follows:

7 THE CLERK: For the record, please state your name
8 and spell your last name.

9 THE WITNESS: Georges de Laire. D, as in David, e,
10 space, L-a-i-r-e.

11 DIRECT EXAMINATION

12 BY MS. ELOVECKY:

13 Q. Thank you very much.

14 You are a priest within the Catholic church,
15 correct?

16 A. Yes, I am.

17 Q. And how do you prefer to be addressed?

18 A. Father de Laire, please.

19 Q. Thank you.

20 So, Father de Laire, where were you born?

21 A. I was born in Paris, France.

22 Q. And what year?

23 A. 1966.

24 Q. Did you grow up in France?

25 A. I did for the first -- for ten years, and then

1 moved to the United States for two years, and back to France
2 until I was 17 years of age when I moved to the United States.

3 Q. Did you graduate high school?

4 A. Yes, I did.

5 Q. And what year?

6 A. I graduated high school in 1985.

7 Q. And what high school did you graduate from?

8 A. I graduated from the Lycée Français -- I'll have to
9 spell that. I'm sorry.

10 L-y-c-e-e, space, F-r-a-n-c-a-i-s, space --

11 THE COURT: The French school?

12 THE WITNESS: The French school, Lycée Français.

13 THE COURT: Where?

14 THE WITNESS: In New York City.

15 THE COURT: Thanks.

16 Q. And, Father de Laire, did you attend college
17 immediately after high school?

18 A. Yes, I did.

19 Q. And what college did you attend?

20 A. I attended St. Lawrence University in upstate New
21 York.

22 Q. And did you graduate from that school?

23 A. I graduated from St. Lawrence University in 1989
24 with a degree -- a BA in European history.

25 Q. And after college did you engage in employment?

1 A. Upon graduation from college, yes, I did.

2 Q. And can you walk the Court through your early
3 employment, just a brief summary?

4 A. So I was raised in a family that has a family
5 business, and so it was anticipated that I would work for the
6 family business upon graduation from college.

7 Instead, I thought of gaining experience in Europe
8 so as to bring something to the company later on, but that
9 didn't work out, and so I came back to New York and worked for
10 the family business in Manhattan. It's a fragrance business.

11 Q. Prior to working for the family business after
12 college, had you had any work experience with the family
13 business prior to that?

14 A. So as it is a family -- as it was a family
15 business, being the sole male in my family, it was understood
16 not long after I was, oh, 7 years of age, 8 years of age, I
17 was taken to the family business factory and so on regularly
18 by my grandfather or my uncles, but I really started to have
19 an involvement with the company while working there during the
20 summers of high school and college.

21 Q. And how long did you work for the family business
22 after college?

23 A. After college?

24 Q. Yes.

25 A. I worked for one year.

1 Q. And what did you do after that?

2 A. While working for the family business I realized
3 that there were going to be some conflicts that I would have
4 to deal -- that I was not at ease with, mostly about business
5 ethics, and so I decided to go back to -- to go to graduate
6 school. I'm sorry.

7 Q. When you say conflicts, the conflicts were between
8 who?

9 A. So the conflicts were with my conscience in the
10 sense that it would have been common in order to secure
11 contracts from purchasers to provide what would be called, I
12 don't know, night entertainment to potential buyers, and I did
13 not agree with that.

14 Q. Okay. So instead you decided to attend graduate
15 school?

16 A. That is correct.

17 Q. And what graduate school did you attend?

18 A. I went back to St. Lawrence University to acquire a
19 degree in -- a master's in education in counseling and human
20 development.

21 Q. And during graduate school did you work at all?

22 A. To pay for graduate school. Because my family was
23 not particularly happy with my departure from the family
24 business, I had to secure payment, income to pay for graduate
25 school. So I worked for the university as a residence

1 director.

2 Q. And did you graduate with a degree from St.
3 Lawrence College for graduate school?

4 A. Yes, I did.

5 Q. And when was that?

6 A. I graduated with my master's in education in
7 counseling and human development in 1992.

8 Q. At some point did you decide to become a priest?

9 A. I don't know that I would say that I decided to
10 become a priest, but I decided that I could no longer ignore
11 the stirrings that I felt within, and I needed to go check it
12 out.

13 Q. And when was it that you decided that?

14 A. My second year of graduate school. So '91, '92.

15 Q. And so what did you do to pursue this calling?

16 A. The first step I took was to actually go back to
17 France and meet with some clergy and friends to see what the
18 environment was in France, and then decided that France would
19 not be the place for it and came back to the U.S. and met with
20 a variety of priests and what are known as vocations directors
21 in religious orders or dioceses, and that led me to apply to
22 the Diocese of Manchester which -- part of that process is a
23 variety of testing and reports, academic documents, and so on.

24 Q. What type of testing was required with that
25 application?

1 A. At the time we were required to provide a medical
2 record and a battery of psychological tests.

3 Q. And did the Diocese of Manchester approve your
4 application?

5 A. I was accepted by the Diocese of Manchester, yes.

6 Q. And so then what was the next step after you were
7 accepted by the diocese?

8 A. The diocese decided where I was going to go for
9 formation and was -- not being from New Hampshire, not having
10 much experience with the state, I was sent to the closest
11 seminary in Brighton, Massachusetts. Saint John's Seminary.

12 Q. Did you graduate from that seminary program?

13 A. I did graduate from Saint John's Seminary in
14 Brighton, yes.

15 Q. And when did you graduate?

16 A. I graduated in May of 1997.

17 Q. And what degree or degrees were conferred upon you
18 at that time?

19 A. I actually obtained two different degrees. I
20 obtained a vocational degree of a master's in divinity and I
21 obtained a master's in biblical theology.

22 Q. And were you eventually ordained?

23 A. And I was ordained to the priesthood in Manchester,
24 New Hampshire, on June 7, 1997.

25 Q. When you were ordained, did you take a vow?

1 A. As a diocesan priest, I do not take a vow.

2 Q. Do you make any promises?

3 A. At ordination a diocesan priest would make three
4 promises to the bishop.

5 Q. And what are those promises?

6 A. The promise of obedience, promise of celibacy, and
7 the promise to pray the prayer of the church.

8 Q. Did you make any promise related to poverty?

9 A. I did not.

10 Q. Were you expected to?

11 A. No, I was not.

12 Q. Were you ever asked to?

13 A. No, I was not.

14 Q. And in your experience are any priests required to
15 make any vow of poverty?

16 A. Priests who make vows or take vows of poverty are
17 priests that belong to religious orders or what are called
18 institutes of apostolic life.

19 Q. And you did not elect to join such a religious
20 order, correct?

21 A. That is correct. I did not.

22 Q. Okay. Can you describe for the Court your early
23 years as a priest with the Diocese of Manchester?

24 A. Upon ordination in a very unusual, actually the
25 first time for the Diocese of Manchester, as a newly ordained

1 priest I was assigned as the administrator of St. Francis
2 Xavier parish in Nashua. At the time it was a trilingual
3 parish, and I was the only trilingual cleric available and so
4 I was asked to administer the parish while the diocese sent a
5 priest to learn Spanish.

6 Then I was assigned to various other parishes as
7 assistant priests until I was named a pastor in June of 2000.

8 Q. And being named a pastor, can you just describe for
9 the Court what that means?

10 A. I guess in the simplest of ways it's -- a pastor
11 would be the person who's responsible for a parish, which is a
12 community of people associated with a church territorially or
13 otherwise and who gains a certain amount of rights by virtue
14 of the office of pastor. Such as stability, for instance.

15 Q. And by stability, do you mean that this would have
16 been a long-term appointment?

17 A. I'm sorry. Yes. Stability means that ultimately
18 staying put in that parish is preferred over moving me or
19 moving to another parish. So yeah.

20 Q. And how long were you the pastor of St. Francis
21 Xavier?

22 A. I was not pastor of St. Francis Xavier.

23 Q. Oh. I'm sorry.

24 A. I was the administrator of St. Francis Xavier.
25 I was appointed pastor of Our Lady of Lords

1 Pittsfield, St. Joseph's Northwood, and I was there for four
2 years.

3 Q. Okay. And after those four years did you remain a
4 pastor of a different church?

5 A. I was then appointed as pastor of Our Lady of Mercy
6 in Merrimack, New Hampshire.

7 THE COURT: I'm getting the picture. Why don't we
8 move up to when he assumed his role as a, you know, canonist
9 and the like.

10 MS. ELOVECKY: All right.

11 Q. Father de Laire, at some point you did obtain a
12 further degree, correct?

13 A. In 2009 I was asked by the Bishop of Manchester to
14 start studies for a licentiate in canon law.

15 Q. Okay. And so did you start those studies?

16 A. And I started those studies in the summer of 2009,
17 yes.

18 Q. And you state that the Bishop had requested that
19 you attend that program, correct?

20 A. In the Catholic church that is how it works in the
21 sense that the bishop is the one who makes the decision as to
22 where a priest will be assigned or what sort of ministry he
23 will have, and for me it meant studying canon law. I mean,
24 the Bishop had granted me permission to go and study
25 psychology for a doctorate, but then there was a need for

1 canon law. So I guess beggars can't be choosers.

2 Q. So you changed your plans based on the Bishop's
3 request?

4 A. So I changed my plans, and I started studies in
5 canon law.

6 Q. And you ultimately obtained a licentiate in canon
7 law, correct?

8 A. Yes, I did.

9 Q. And when did you receive that degree?

10 A. I received that degree in July of 2012.

11 Q. And where did you receive that degree from?

12 A. I received the degree from the Pontifical Gregorian
13 University in Rome.

14 Q. Did you graduate with any honors?

15 A. I graduated with -- I graduated magna cum laude.

16 Q. And other than the licentiate degree, were you in
17 any other programs while in Rome?

18 A. I guess I was greedy. So I took whatever courses I
19 could take offered by the Vatican itself. The various
20 congregations offer -- some offer courses for certification,
21 and I obtained those certifications while I was there, such
22 as --

23 Q. I'm sorry. Go ahead.

24 A. Such as congregation for the clergy, now known as
25 the Dicastery for the Clergy, the Apostolic Penitentiary, and

1 the Dicastery for Divine Worship and Discipline of the
2 Sacraments.

3 Q. And while you were studying in Rome did you have
4 any interactions with clergy at the Vatican?

5 A. Yes, I did. By taking the courses there and being
6 most often the only American that took those courses when I
7 was there, I got to meet many of the officials, yes.

8 Q. And did you maintain relationships with the clergy
9 at the Vatican after you left Rome?

10 A. Yes, I did. Although at this point most of them
11 have moved on to other positions in the church.

12 Q. And are you aware of any criticisms that were made
13 of you by anyone at the Vatican during that time that you were
14 in Rome?

15 A. I am not aware of such.

16 Q. How about at any time?

17 A. I'm not aware of such.

18 Q. Once you obtained your degree at the request of the
19 Bishop, did your position in the diocese change?

20 A. Well, upon my return from studies I was appointed
21 judge on the tribunal. I had asked for one year before
22 assuming the office of judicial vicar. I felt it was
23 necessary for me to have some experience with the tribunal
24 first. So for one year I worked full-time as a judge at the
25 tribunal, and at the same time, the term we use is covered, I

1 provided for the celebration of masses in various churches or
2 parishes where priests were ill or taking vacation.

3 Q. So when you first went to Rome in 2009, you no
4 longer maintained your position at that parish that you were
5 with prior to that?

6 A. No. I had to resign that position in order to
7 begin studies.

8 Q. And after you returned were you assigned to another
9 parish?

10 A. A year after my return I was appointed pastor as
11 well as at the time Judicial Vicar and Vicar for Canonical
12 Affairs, yes.

13 Q. That was going to be my next question.

14 At some point you were appointed as a vicar,
15 correct?

16 A. Yes.

17 Q. And you just stated that you were appointed both as
18 Judicial Vicar and Vicar of Canonical Affairs, correct?

19 A. That is correct.

20 Q. And that was in 2013?

21 A. That was in September of 2013, yes.

22 THE COURT: That was in this diocese?

23 THE WITNESS: In the Diocese of Manchester, yes.

24 THE COURT: Back up for a minute. The tribunal
25 that you were a judge in, what's the name of that tribunal?

1 THE WITNESS: It's the Ecclesiastical Tribunal of
2 the Diocese of Manchester.

3 THE COURT: Okay. So here?

4 THE WITNESS: Yes. Correct.

5 THE COURT: And you were adjudicating matters
6 before the court?

7 THE WITNESS: At that time I was adjudicating in
8 second instance appeals from -- cases from the Pacific Islands
9 because of the need of the language of French and English, but
10 I had never adjudicated in the Tribunal of the Diocese of
11 Manchester as such.

12 THE COURT: Is that because there just were no
13 cases or is that because someone else was doing it?

14 THE WITNESS: No. At the time there were other
15 judges, but it was also a time when the Bishop was seeking to
16 clean files that had not been addressed for 50 years of
17 priests who had abandoned ministry or who had got involved in
18 other problematic matters. So I was tasked to clean -- to
19 process all these cases of lay cessations.

20 THE COURT: Thank you. You may proceed.

21 Q. Can you just briefly describe for the Court what
22 the position of Vicar of Canonical Affairs entails?

23 A. For here in the -- ultimately, the definition of a
24 vicar is going to be provided by the bishop whose vicar you
25 are, but here in the Diocese of Manchester that meant that I

1 addressed all matters of administrative law whether it was
2 real estate law -- canon law. I'm sorry. All of it are
3 canonical matters. I'm sorry. So canonical real estate
4 matters, employment, contracts, temple goods, alienations,
5 purchases, schools, and as well as disciplinary.

6 Q. And you were also appointed as judicial vicar,
7 correct?

8 A. That is correct.

9 Q. And can you just briefly summarize for the Court
10 what that position entails?

11 A. In the simplest way, I guess the judicial vicar is
12 the priest in charge of the administration of the tribunal of
13 a given diocese or jurisdiction along with the bishop.

14 Q. All right. Father de Laire, I'm going to show you
15 a document that's been marked -- well, that I'm marking now as
16 Exhibit A for identification.

17 THE WITNESS: I'm sorry. Can I have my glass of
18 water, please?

19 THE COURT: Sure.

20 MS. ELOVECKY: Yes.

21 THE WITNESS: Thank you.

22 THE COURT: You can go get it if you want. Either
23 way.

24 MS. ELOVECKY: I have a glass here that I'll give
25 to him in a moment, if that works for you.

1 Your Honor, may I please approach to provide a copy
2 of what I've marked as Exhibit A for identification?

3 THE COURT: You may.

4 Q. And here's also a glass of water.

5 A. Thank you.

6 Q. Father de Laire, if you could take a moment to
7 review what has been marked for identification as Exhibit A
8 and just let me know once you've had a chance to look at it?

9 A. All right.

10 THE COURT: Do we have anymore copies of this?

11 MS. ELOVECKY: I have one more copy, yes.

12 THE COURT: Can you give it to the law clerk over
13 there? Thank you.

14 Q. Father de Laire, can you tell the Court what this
15 document is?

16 A. This is a print copy of an article that was
17 published on the churchmilitant.com website, and it seems to
18 be followed by comments that were made in response to the
19 article posted.

20 Q. Thank you.

21 Have you seen this document before today?

22 A. Yes, I have.

23 Q. When did you first see this or a version of this
24 document?

25 A. I saw the article itself on January 17th of 2019,

1 and due to the content I kind of kept track of the comments
2 that were being added for months afterwards.

3 Q. You know in the bottom right-hand corner it states
4 CM0042?

5 A. Yes.

6 Q. And would you agree with me that that indicates
7 that this document was produced by Church Militant, which is a
8 defendant in this matter?

9 A. If I recall from earlier on, yes, I do remember
10 that those were call letters.

11 MS. ELOVECKY: Your Honor, at this time I would
12 move what's been marked as Exhibit A into evidence.

13 THE COURT: This is obviously admissible, but do
14 you have any objection to it?

15 MR. BALESTRIERI: No, your Honor.

16 THE COURT: It's admitted.

17 (Plaintiff's Exhibit A Admitted)

18 Q. All right. Father de Laire, can you just -- I
19 believe that you already stated this, but I'm going to ask you
20 again. When did you first see this article?

21 A. I saw the -- the article was -- the link to the
22 article was sent to me by the Director of Communications of
23 the Diocese of Manchester on January 17th of 2019.

24 Q. And would it be fair to say that the link that was
25 sent to you was to churchmilitant.com?

1 A. Yes. That is correct.

2 Q. Prior to receiving that link had you been familiar
3 with the website previously known as churchmilitant.com?

4 A. I don't know how familiarity gets to be defined,
5 but I was aware of the website, I was aware of some of its
6 practices as it had covered a story about a classmate of mine
7 from Rome, and one of the judges at the time reviewed the
8 website daily and would comment about it at lunch, but that
9 was the extent to which I knew about the churchmilitant.com
10 site.

11 Q. And was this a website that you would check on your
12 own at any time prior to January 17th of 2019?

13 A. No, it was not.

14 Q. And you testified that one of your colleagues had
15 sent you a link on January 17, 2019, to this article, right?

16 A. Yes. That is correct.

17 Q. And at that time did you read this article?

18 A. I read the article and was quiet dismayed and
19 alarmed by it, yes.

20 Q. Why were you alarmed?

21 A. Because the article attacks me in so many different
22 ways. I mean, the article attacks so many of the values that
23 I hold very dear to my heart. To call me corrupt, to call me
24 a troublemaker, to call me mentally unstable, psychologically
25 unstable, to call me incompetent, many attacks of my character

1 that were quite problematic I guess to my ego, and at the same
2 time it also implied some potentially other important issues.

3 My mother had moved in with me at that time. She
4 suffered from Alzheimer's and lived at the house that I built
5 in Amherst, and the fact that that house was now a known
6 public entity and my mother suffering from Alzheimer's could
7 be -- I don't know. Potentially aggression could be expressed
8 towards her. So I was quite perturbed.

9 Q. So if you just turn to the page that's marked
10 CM0046.

11 A. Yes.

12 Q. The final paragraph that's right above the red bar,
13 do you see that?

14 A. Yes.

15 Q. It states that additional -- I'm going to read from
16 that: Additional questions are raised, however, not just by
17 the recent decisions of the vicar affecting --

18 THE COURT: Please read more slowly.

19 MS. ELOVECKY: Thank you, your Honor.

20 Q. Not just by the recent decisions of the vicar
21 affecting Catholic faithful under his power but also by his
22 acquisitions. While Pope Francis has checked into a hotel
23 instead of the Apostolic Palace for lodging, Church Militant
24 has learned that de Laire now frequently resides at an estate
25 located near Manchester that he recently purchased, currently

1 valued at \$1.5 million, an exclusive 4,000 square-foot,
2 four-bedroom residence with 600 feet of waterfront, waterfalls
3 and a koi pond.

4 Did I read that correctly?

5 A. Yes.

6 Q. And is that the house that you're referencing that
7 your mother had lived in at the time?

8 A. That is correct.

9 Q. After you read this article, what did you do next?

10 A. I printed a copy of it and went to the Bishop's
11 office to present him the article and express my concerns to
12 him.

13 I then took it to the Chancellor of the diocese,
14 who happened to be at the time house counsel, and showed her
15 the article.

16 Q. And did you do anything else at that time?

17 A. On the day of -- on January 17th of 2019? Well, I
18 mean, I acted in a variety of ways. Because after returning
19 to my office having left the Bishop's office presenting him
20 the article, there was a voice message on my voicemail box
21 that threatened me and my welfare that somebody was coming
22 after me to get me, and so I gathered the staff of the
23 tribunal to inform them that they might be getting phone calls
24 and to develop a protocol with them as to what to do should
25 calls come in, and I did the same by calling my parish and

1 addressed it with the parish staff so that they, too, would
2 know how to address the matter.

3 Q. So you mentioned a voicemail that you received?

4 A. Yes.

5 Q. And is that something that you listened to
6 yourself?

7 A. Yes, I did. I did listen to it to make sure that
8 -- I'm not great with technology, and so to make sure that it
9 was not going to get erased or otherwise damaged, corrupted, I
10 gave that message to an employee of the tribunal to transcribe
11 the message.

12 Q. And when you listened to the message, was it a
13 voice that you recognized?

14 A. No, I did not know the voice.

15 Q. Was there a phone number connected with the
16 voicemail that you were able to see?

17 A. Yes, there was a phone number associated.

18 Q. And was that a number that you were familiar with?

19 A. No, it was not a number that I was familiar with.

20 Q. And do you recall what was said on the voicemail?

21 A. There was something to -- this is now five years
22 ago -- four years ago, five years ago.

23 It was something to the extent I've just learned --
24 something to -- I've just learned from Church Militant on and
25 on, and then accusations of corruption and that the faithful

1 were not going to be taking this anymore and they're coming
2 after me.

3 Q. And was that a man or a woman's voice, if you know?

4 A. It was a woman's voice.

5 Q. All right. I would like you to go back to what's
6 now Exhibit 1 and turn to page CM0050.

7 A. Yes.

8 Q. Give me one moment.

9 (Pause)

10 So at the very top of the page there is a comment
11 that is left under the name photius. Do you see that?

12 A. Yes, I do.

13 Q. And it states here: Tracey, the truth shall set
14 you free. He is a hateful man who does not know his theology.
15 Why defend a hateful man? Like, what's your involvement with
16 him?

17 Did I read that correctly?

18 A. Yes, you did.

19 Q. Prior to -- and did you see that comment prior to
20 today?

21 A. Yes, I did.

22 Q. When did you see that comment?

23 A. Depending on when it was posted, I probably saw it
24 within several hours of it being posted. I think I was
25 hooked. I guess I was -- my attention was really geared to

1 the article and the comments because the comments were quite
2 nasty, and so I did keep track of the comments. I guess maybe
3 -- yeah, I did. So I probably checked it several -- every
4 other hour or so. So whenever it was posted is probably when
5 I saw it.

6 Q. Prior to January 17th of 2019 had anyone suggested
7 that you don't know your theology that you're aware of?

8 A. Nobody had stated such, no.

9 Q. Okay. I would like to turn to page 55.

10 If you look, it's about a third up from the bottom
11 of the page, a comment that was added by someone who
12 identified as Jim Dorchak. Do you see that?

13 A. Yes, I do.

14 Q. And that comment states: What is this heretics
15 contact data? The gates of Heaven and the Internet need to
16 flood this idiots inbox and his Bishops!

17 Did I read that correctly?

18 A. Yes, you did.

19 Q. So prior to January 17th of 2019 had anyone in your
20 professional capacity ever called you an idiot before?

21 A. To my face, no.

22 Q. Are you aware of anyone calling you an idiot in
23 your professional capacity at all prior to January 17th of
24 2019?

25 A. No, I was not aware of such. No.

1 Q. And then in this comment right below it another
2 commenter that identified as Colors of the Wind shares some
3 contact information, correct?

4 A. Yes.

5 Q. And did that concern you?

6 A. I mean, it is public information. I'm sorry. Did
7 that concern me? It did concern me because, again, any -- the
8 comments being posted on the website were, again, very
9 aggressive and nasty and implied potentially some sort of a
10 personal retaliation, and that somebody went to the effort of
11 actually publishing my address as a comment following the
12 article is -- yes, was of great concern. Although in
13 fairness, it's public information.

14 Q. Meaning that the diocese's website has some contact
15 information for you, correct?

16 A. Yeah, and the parish has a website.

17 MR. BALESTRIERI: Objection, if I may.

18 That seems to be a leading question. Meaning? Is
19 it for an attorney to provide a meaning or is it for a
20 deponent to provide a meaning?

21 He said nothing about the diocese lists
22 information. That was offered spontaneously by the attorney.

23 THE COURT: It doesn't hurt you though at all.

24 MR. BALESTRIERI: It just seems leading, your
25 Honor.

1 THE COURT: That's true.

2 Ask it open-ended.

3 Q. You mentioned that the information was available
4 publicly, correct?

5 A. Yes, I did.

6 Q. Where would that information have been available?

7 A. Probably anybody using a search engine on the
8 Internet could enter my name and I'm sure that there would be
9 listings, and some of which would include my address, yes.

10 Q. At any time were you contacted by the public about
11 the article?

12 A. I mean, for weeks I received e-mails. For weeks
13 there were phone calls both at the tribunal offices and at the
14 parish of the public having read the -- at least seemingly
15 having read the article posted by Church Militant.

16 Q. All right. I would like to look at page 58 of
17 Exhibit 1. Again, about a third from the bottom of the page
18 there's a comment by someone who identified as Dan Knight.

19 Do you see that?

20 A. Yes, I do.

21 Q. And that comment states in quotes, "botched?", and
22 then "or deliberately mangled."

23 Did I read that correctly?

24 A. That is what it says.

25 Q. Prior to January 17th of 2019, and to your

1 knowledge, had anyone ever suggested that you botched a canon
2 law case?

3 A. Not to my knowledge, and I think at the time I
4 enjoyed a great reputation in the sense that I had processed
5 numerous cases of disciplinary cases leading to lay
6 cessations, and all of them being granted without any
7 difficulties let's say. So no.

8 Q. Just for the record, can you just say what you mean
9 by lay cessations?

10 A. Lay cessation is the term for the process that is
11 used by the Catholic church, I don't know about other
12 denominations, whereby a man in the clerical state, ordained a
13 deacon, ordained a priest, or ordained a bishop, is returned
14 by the church to the lay state losing the rights and
15 obligations of the clerical state.

16 Q. And as of January of 2019, how many of such cases
17 had you processed?

18 A. By January of 2019 I had processed 52 cases.

19 Q. Did any issues ever get raised by anyone about your
20 processing of those 52 cases?

21 A. Never.

22 Q. Were any complaints made about your processing of
23 those 52 cases?

24 A. Never.

25 Q. In your experience was 52 cases as of January of

1 2019 the norm?

2 A. I can say that at the Canon Law Society of America,
3 this professional association of canon lawyers in the United
4 States, I was known at the time as the priest who had
5 processed the most cases. So, yeah, it was a known fact.

6 Q. Was there anything else that made you believe that
7 this comment was actually contrary to your reputation?

8 A. Well, I don't know if it's contrary. It's
9 fabricated because there's absolutely no -- to my knowledge
10 there was absolutely no evidence of any such thing.

11 Q. Mr. Dan Knight, or who identified as such, in that
12 comment also said that you had potentially -- well, it says
13 botched, and then it goes on and says or deliberately mangled;
14 is that correct?

15 A. That is what is attributed to a Mr. Knight, yes.

16 Q. And prior to January 17th of 2019 had anyone ever
17 suggested that you deliberately mangled a case?

18 A. I mean, that's quite -- I'm sorry. That is quite
19 insulting because, I mean, it attacks my integrity. It
20 attacks the purpose for which I'm processing these cases. I'm
21 not processing any of these cases for George de Laire. I'm
22 processing these cases for the church.

23 So the questions of integrity are loaded. They're
24 heavy. And so deliberately mangled, no.

25 Q. No one had ever said that to you before?

1 A. No. Never.

2 Q. As of -- well, prior to January 17th of 2019 did
3 you have any understanding other than the cases that you
4 already mentioned as to how people viewed your canon law work?

5 A. I can say that, unbeknownst to me, colleagues in
6 the Canon Law Society of America it appears recommended me to
7 represent priests who may have some issues of their rights
8 being abused or violated by the church or their religious
9 community. So I was asked to consider representing them as an
10 advocate.

11 So obviously some folks out there, I do not know
12 whom, respected me and my work sufficiently so as to recommend
13 me to advocate for somebody in need.

14 Q. So you mentioned that you had been recommended as
15 an advocate, correct?

16 A. Yes, that is correct.

17 Q. In addition to your work as a pastor of a parish
18 and as Vicar of Canonical Affairs and as Judicial Vicar, were
19 you also serving as an advocate?

20 A. That doesn't go to my psychological welfare, does
21 it? No, I -- so I believe that I have a certain amount of
22 gifts. And since I did not pay for my formation in canon law,
23 it was for me to offer those services to those who might be in
24 need of it.

25 Q. And did you represent -- well, who would you

1 represent as an advocate?

2 A. I represented -- in every instance it was a priest,
3 and in three of those I represented -- I advocated for four
4 priests, three of whom were members of religious orders and
5 one was a diocesan priest. They're all still priests in
6 ministry.

7 Q. And did you represent those clergy within the
8 Diocese of Manchester?

9 A. No. I'm sorry. Yes. I did not -- I couldn't
10 ethically represent within my own jurisdiction. That would be
11 a conflict of interest should appeals or questions be raised.
12 So, no, I -- every priest that I represented were from
13 different jurisdictions.

14 Q. And were you paid for that work?

15 A. Like I said, I did not pay for my formation, and so
16 I didn't think it was proper for me to get paid for the
17 representation. So, no. I provided my advocacy pro bono.

18 Q. You also referenced in your prior testimony the
19 Canon Law Society of America, correct?

20 A. Yes, I did.

21 Q. Can you just briefly describe for the Court what is
22 that?

23 A. So it's an association of -- a professional
24 association of canon lawyers in the United States where
25 ultimately membership is available whether one is in the

1 United States or not. So there are members from other
2 countries. It's an association that provides forums for
3 continued formation, forums for a national convention with
4 workshops and opportunities to meet and discuss current
5 issues, current matters in canon law. It's also an
6 association that publishes a journal and various other books
7 on canon law.

8 Q. And are you a member of that society?

9 A. Yes. I am a member of the Canon Law Society of
10 America, and I was also a member of one of its subcommittees
11 on matters of the clergy.

12 Q. In addition to that membership both of the society
13 and that committee, did you have any other involvement or
14 participation with the society?

15 A. In 2017. In 2017 I was asked by the board of
16 governors to present at the following convention on the topic
17 of clergy lay cessations, and so I was asked to be one of the
18 guest speakers, yes.

19 Q. Was that session well attended?

20 A. It actually caused issues because the demand
21 required the Canon Law Society to schedule a second
22 opportunity, a second forum for it. So I gave the
23 presentation twice because of the numbers.

24 THE COURT: Does the Canon Law Society have an
25 office somewhere located in the United States?

1 THE WITNESS: Yes. They're located whether on the
2 campus or just off the campus of Catholic University of
3 America in Washington, D.C.

4 THE COURT: That's what I thought. Thank you.

5 Q. Okay. I would like you to turn to page 60 of
6 Exhibit 1, and I would like you to look at the second comment
7 where there's a comment that was made by someone identifying
8 as JCS.

9 Do you see that?

10 A. Yes, I do.

11 Q. It states: It sounds like this fraud is living
12 quite well off the laity's donations. He is a jerk. They
13 should just laugh in his face.

14 Did I read that correctly?

15 A. Yes, you did.

16 Q. Did you purchase the home that you previously
17 testified to using laity donations?

18 A. No, I did not.

19 Q. Are you paid as a priest?

20 A. I do receive a salary, yes.

21 Q. And how much is your salary?

22 A. I do not recall what my salary was in 2019. I can
23 say that for the month of March I received \$2,885.

24 Q. And is that for the entire month?

25 A. That is for the entire month.

1 Q. And is that your typical monthly payment at this
2 time?

3 A. That is -- we get a pay raise every 1st of July of
4 \$50 added. So, yes, for a full year that is the paycheck I
5 receive.

6 Q. How were you able to purchase property in Amherst,
7 New Hampshire?

8 A. So I was very lucky to be born in the family or
9 families that had wealth, and due to inheritance and the sale
10 of the family business I had funds to purchase the property.

11 Q. As we saw in the article, it had been suggested
12 that additional questions are raised by your ownership of that
13 property, correct?

14 A. Yes. That is the last paragraph of the article.

15 Q. And the comment that we just looked at where it
16 says, it sounds like this fraud is living quite well off the
17 laity's donations, that appears to interpret the statement to
18 mean you improperly used funds to purchase the home, correct?

19 A. That certainly implies it and implies that -- yeah,
20 it implies corruption. It implies misappropriation of funds.
21 It implies, I don't know, robbing the church, as well, of
22 monies that should duly go to it. Yes.

23 Q. After this article was published, other
24 publications also published articles concerning your home;
25 isn't that right?

1 A. So at the time that all this was happening, yes, I
2 was keeping a close eye I guess on the Internet only in the
3 capacity that I'm -- you know, again, I'm not particularly
4 technology savvy, but just basic searches on a search engine
5 on the Internet led to a whole variety of other websites that
6 posted links to the article of Church Militant and some that
7 were then prompted to write articles or blog entries
8 ultimately leading the local newspaper, the only state
9 newspaper we have here in New Hampshire, the Union Leader, to
10 come and question and even one day come to my property via
11 kayak to, yeah, take pictures and so on.

12 Q. Can you just say a little bit more about that? You
13 testified that someone went to your property via kayak?

14 A. The entrance of my property is at the end of a
15 lengthy, long driveway shared with other residences on the
16 lake. So my house could not be seen from the road. The
17 journalist decided to come around via kayak or canoe, I
18 forget, all the way to the house to take pictures, and I
19 happened to be there because I was on vacation. I guess I
20 haven't said that. I do not reside there. As a pastor, I
21 have an obligation to reside at my own parish. So I'm there
22 on my days off and whenever there was a crisis with my mother,
23 but I happened to be there on vacation sitting on the deck
24 when the journalist and a photographer came.

25 Q. And did you have any conversation with the people

1 in the kayak?

2 A. Conversation, no, but they certainly hollered and
3 asked questions from where they were, and I did not respond,
4 no.

5 Q. Were there any other instances where someone, a
6 member of the public, had gone to your home after January 17th
7 of 2019?

8 A. Excuse me. Within a week of the article being
9 published, so this is in the winter, winter months, I was with
10 my mother in my car on the back roads going back to my house
11 after grocery shopping, and somebody stopped the car, waved at
12 the car as they were -- whereupon inquiry they said, do you
13 know where Father de Laire's house is, which was a significant
14 red flag because I do not use that residence as Father de
15 Laire. I'm just George de Laire. I'm known as George de
16 Laire by all the other residents around me. And so for
17 somebody to ask where Father de Laire's house was for a
18 claimed delivery in an unmarked van, not an Amazon van, not a
19 UPS, FedEx, or any such, was very disconcerting. Especially
20 at night and having my mother there.

21 Q. Do you know what time it was at night?

22 A. Do I know? No. But it was probably around 5:00,
23 5:30.

24 Q. And did they give you a delivery?

25 A. No, they did not. Well, I did not identify as

1 Father de Laire because I was concerned again, but they asked
2 where Father de Laire's house is and I said I did not know and
3 just drove home.

4 Q. Did you do anything in response to that event?

5 A. I contacted the police officers that I knew from
6 the parish. I spoke with the deputy chief of police of the
7 Manchester Police Department and I spoke with a former
8 parishioner in Merrimack, the police chief in Merrimack, who
9 both recommended that I contact the Amherst Police Department.
10 And after speaking with the chief on the phone, I went in for
11 a meeting with the chief of police of the police department of
12 Amherst.

13 Q. Did you file a police report?

14 A. I did not. No, I did not file a police report. My
15 concern was truly what could be done, what could I do to
16 improve the security of my mother given the fact that it's
17 winter, the lake is frozen, anybody can have access via the
18 water to my property, and so I was very concerned.

19 The chief of police recommended that I post the
20 property every I forget how many feet apart with no trespass
21 signs.

22 Q. And did you do that?

23 A. And I did that that same day.

24 Q. Did the incident with the van make you afraid?

25 A. It certainly made me afraid for my mother, and

1 quite frankly for myself as well, but certainly, yeah, it
2 heightened anxiety in one way or another. It meant --
3 ultimately, it meant for me that somebody had taken the words
4 of that article to heart and that they were indeed going to
5 seek me out. I don't know for what, I have no idea, but given
6 the nature of the comments that were published, none of them
7 were warm fuzzies.

8 Q. Can we, speaking of that, look at page CM0064.

9 MS. ELOVECKY: I believe this is the last comment
10 we're looking at, your Honor.

11 Q. So about a third down the page there's a comment by
12 HRpuffinstuff. Do you see that?

13 A. Yes, I do.

14 Q. Did you see that comment before today?

15 A. I'm sure I have, yes.

16 Q. And when did you see it?

17 A. Probably when it was posted.

18 Q. And that comment says: Do you happen to have an
19 address for his --

20 THE COURT: Please slow down.

21 MS. ELOVECKY: Thank you, your Honor.

22 Q. Do you happen to have an address for his palatial
23 home? I live in NH and might want to pay him a visit.

24 Did I read that correctly?

25 A. Yes, you did.

1 Q. And how did that comment make you feel when you
2 read it in 2019?

3 A. Even to this day, I'm sorry, it's threatening. I
4 mean, somebody -- I guess that's my bias, but somebody who fed
5 on the terms and the content of that article chose to take the
6 matter -- was considering taking the matter into their own
7 hands which, yeah, is quite threatening and problematic and
8 worrisome and paralyzing even at times.

9 Q. Do you remain worried as of today?

10 A. I just said I was, yes. Yes, indeed.

11 Q. So you talked about the kayak and the van, correct?

12 A. Correct.

13 Q. Did you have any other in-person interactions that
14 you believed at the time to be related to the article?

15 MR. BALESTRIERI: Your Honor, point of order, if
16 that's what it's called. I'm not quite sure I heard the
17 question. Can you please repeat the question?

18 THE COURT: Repeat the question.

19 Q. Other than the incidents that you discussed already
20 concerning the kayak approaching your house and the van, did
21 you have any other in-person exchanges with anyone that you
22 believed to be related to the January 17, 2019, article?

23 A. Yes. There was one other instance during daily
24 mass -- and I'm going to say it was also within the first week
25 after the publication of the article. During the celebration

1 of -- mass is celebrated daily in my parish, and somebody that
2 was not one of the quote-unquote regulars, somebody that I had
3 never noticed before and who behaved in ways that were -- that
4 certainly drew attention to him during the celebration of mass
5 presented himself at the time to receive communion. So I'm in
6 the center aisle of church, and the person came and stood
7 within six, ten inches of me and just sought to intimidate,
8 stared at me, and didn't move.

9 Q. Is six to ten inches the typical distance that a
10 parishioner has between you and them for receiving communion?

11 A. I mean, that's going to vary depending on whether
12 the parishioner is receiving communion on the tongue or
13 whether they're receiving it in their hand, but ultimately the
14 gesture is to reach out to them. So they're usually at arm's
15 length.

16 THE COURT: They're always within arm's length. I
17 get it.

18 Q. So this was closer than that, correct?

19 A. Without a doubt, yes.

20 Q. Did you have any conversation with this person?

21 A. No. I stood there to give him communion, which did
22 happen, and somehow I made my way back to my chair, finished
23 mass, but then I collapsed. My legs were shaking
24 uncontrollably and then I -- yeah, so I had to sit down
25 because I was in bad shape I guess.

1 Q. And did anyone notice that that you're aware of?

2 A. Some of the parishioners that were there for daily
3 mass that day noticed the man's behavior and came right away
4 to the sacristy after mass and saw the state that I was in,
5 yes. I mean, so much so that parishioners then became
6 concerned, and so whenever there was somebody who was not the
7 common -- or a regular common face -- I laugh. Today I laugh.
8 Back then I was quite grateful. But some would get up and go
9 and sit right behind the person just in case they would be
10 doing something unexpected, let's say. So parishioners took
11 an active role.

12 Q. And how long after the article was published did
13 this take place?

14 A. The interaction with that man? I'm going to say
15 within the first two weeks of the article being published.
16 The thing was that for years, a lot less now I have to say,
17 but for years without a doubt anytime somebody walked into
18 mass late, and because of the way the church where I am is set
19 up, people would walk in in my peripheral vision, and I always
20 end up looking worried and concerned, is this going to be a
21 problem or not, which is quite distracting but also a very
22 uneasy feeling for me to feel that I'm not even safe in
23 church.

24 Q. And this event did not take place on a Sunday,
25 correct?

1 A. The event with the man standing in front of me?

2 Q. Yes.

3 A. No. That was during the week. During daily mass
4 during the week, yes.

5 Q. And typically for daily mass that is not a Sunday
6 mass, how many people usually attend?

7 A. It varies. I'm going to say 25 to 35. 20 to 30,
8 yeah.

9 Q. Okay. Other than your immediate reaction to that
10 event, how did -- well, did it impact you at all?

11 Just to clarify, you had mentioned your legs were
12 shaking and that you were upset in the moment. Was there any
13 impact after that day?

14 A. So many elements of my character I guess are
15 attacked by that article or in that article that I never knew
16 who would have read the article, who didn't read the article.
17 It's not like because there are just so many comments on it
18 that it meant that more people didn't read it without
19 commenting. The spread on the Internet at the time with how
20 many other sites decided to publish the article increased its
21 visibility.

22 Yeah, I never knew who around me had read the
23 article. And given the fact that so many had believed what
24 was written in it, would they be believing in it and just
25 there? So, I mean, yeah, any gatherings that I might have

1 been in, especially clergy gatherings, because priests did
2 used to follow that website, the Church Militant website, but
3 parishioners and so on, and so, I mean, I never knew if
4 somebody was looking at me with what sort of questions or
5 whatever motive they may have. Did I look in my rear-view
6 mirror every time I was on the back roads of Amherst going
7 home? Yes. I still do.

8 So much of -- I refused to go to the Canon Law
9 Society of America and show my face. I mean, after all,
10 somebody had written that I was incompetent and that I was
11 corrupt and had ill motives for doing what I was doing. So
12 why would I go and put myself in that sort of environment?

13 Q. I'm sorry. Is it your testimony that you have not
14 attended Canon Law Society of America events since the article
15 was published?

16 A. I did not from the convention of 2018 until this
17 past October. That is correct. So I started to attend again
18 this year, well, this past October, after some of the
19 processes of this suit were brought to an end. So when I
20 settled with Mr. Voris and with Church Militant. Their public
21 assertions at the time of the settlements made it clear that
22 all of it had been fabricated and so on, and I felt that I
23 could show up again.

24 THE COURT: Counsel, how much more direct do you
25 have? No rush from me. I'm just asking.

1 MS. ELOVECKY: I only have two more pages in my
2 outline. I have one, maybe two more exhibits.

3 THE COURT: All right. The court reporter has been
4 going for 90 minutes, and I want to take a break. So we'll
5 take a fifteen minute break and resume.

6 MS. ELOVECKY: Great. Thank you, your Honor.

7 THE COURT: We're in recess.

8 (RECESS)

9 THE COURT: All right, Father, you're still under
10 oath.

11 You may proceed.

12 MS. ELOVECKY: Thank you, your Honor.

13 May I approach with the next proposed exhibit?

14 THE COURT: You may approach throughout your
15 examination.

16 MS. ELOVECKY: Thank you, your Honor.

17 THE COURT: That goes for you, too, Mr.
18 Balestrieri. You may approach the witness whenever you need
19 to to provide documents or whatever.

20 MR. BALESTRIERI: Thank you, your Honor.

21 MS. ELOVECKY: I have a copy for yourself as well.

22 THE COURT: Thanks. Do you have one for the law
23 clerk?

24 MS. ELOVECKY: I have one for the law clerk and
25 you.

1 THE COURT: Thanks.

2 Q. Father de Laire, I've handed you what has been
3 marked for identification as Exhibit B. Can you just take a
4 look through the various pages, there's about 18 pages here,
5 and let me know when you're done with that review?

6 (Pause)

7 A. Yes. All set.

8 Q. Okay. Father de Laire, you had testified
9 previously that you had received a voicemail, correct, at your
10 diocese phone number on the day the article was published; is
11 that correct?

12 A. Yes. That is correct.

13 Q. Were there any other contacts that were made to you
14 by the public separate from the voicemail, separate from the
15 comments that we've looked at, and separate from the in-person
16 interactions that you've testified about?

17 A. So for weeks both at the parish and at the tribunal
18 offices members of the public made phone calls seeking to
19 speak with me or just to insult whoever answered the telephone
20 call. And other than the use of the telephone, e-mails were
21 sent to me directly to my -- both my e-mail addresses, the
22 e-mail address I used for the Diocese of Manchester and the
23 e-mail address I used for the parish, as well as members of
24 the public used the diocesan website contact form to contact
25 the diocese about the article and about me.

1 Q. And the contacts that came through the website,
2 were those provided to you at any point in time?

3 A. The webmaster -- so it was decided with in-house
4 counsel that all -- or most often there would be just one
5 e-mail from the webmaster with whatever e-mails they had
6 received that day that would be forwarded to me as opposed to
7 whenever they just came in.

8 Q. And did you review those e-mails when they were
9 forwarded to you?

10 A. Yes, I did.

11 Q. And can you tell me, Father de Laire, what is
12 Exhibit B?

13 A. Exhibit B appears to be a whole variety of e-mails
14 sent to me to my e-mail addresses, to the Director of
15 Communications for the Diocese of Manchester, to the website
16 or through the website of the diocese. Yeah, all -- yeah,
17 they're all e-mails sent to either -- through the website or
18 through the Director of the Office of Communications for the
19 Diocese of Manchester or to e-mail addresses.

20 Q. And if you look at the bottom right corner of this
21 document, it says in very small letters deLaire0001; is that
22 correct?

23 A. Yes. I see that.

24 Q. And do you agree with me that that represents that
25 you produced these documents in discovery in this matter?

1 A. I don't know that I can answer that
2 authoritatively.

3 Q. Okay, but you do recognize the document and the
4 various e-mails?

5 A. They were either provided by me or by the Diocese
6 of Manchester.

7 MS. ELOVECKY: Your Honor, I would move what's been
8 marked Exhibit B into evidence.

9 THE COURT: There's no objection. It's admitted.
10 (Plaintiff's Exhibit B Admitted)

11 MS. ELOVECKY: Thank you.

12 Your Honor, I am able to walk through each of these
13 e-mails, but I'm also happy to do a summary and leave this
14 exhibit for the record.

15 THE COURT: When you say do a summary, what do you
16 mean?

17 MS. ELOVECKY: I will ask him some general
18 questions.

19 THE COURT: That's fine.

20 Q. Father de Laire, you testified that you received
21 multiple e-mails, correct?

22 A. Yes, I did.

23 Q. Were those e-mails favorable toward you?

24 A. Some e-mails sought for me to be fired, pushing the
25 Bishop to fire me. Some -- no. Not one e-mail -- I'm sorry.

1 Not one e-mail was favorable to me.

2 Q. And so there were several e-mails that were sent to
3 you after January 17, 2019, that were disfavorable to you?

4 A. There were attacks about my knowledge, attacks
5 about my motives, attacks about my ethics, attacks on a whole
6 variety of things, yes, my character.

7 Q. How many people at the diocese saw those e-mails?

8 A. To my knowledge the webmaster, the person
9 responsible for monitoring the website of the diocese, the
10 Director of the Office of Communications, the Chancellor of
11 the diocese, the Vicar General of the diocese, and the Bishop,
12 and myself.

13 Q. Okay. And how -- what impact, if any, did those
14 e-mails have on you?

15 A. Well, it reaffirmed that lots of people read the
16 article and took it at face value and believed whatever was
17 asserted about me and my work ethics, work product,
18 capacities, my mental state, all the things that were put into
19 question or maligned by the article itself.

20 Q. So just by way of example, if you could just look
21 at the first page of Exhibit B, this is an e-mail where the
22 e-mail address is identified at the top of the page, correct?
23 I could spell it, but I think it's in evidence so I'll skip
24 that.

25 A. Yes.

1 Q. And right after the e-mail information block it
2 says: Kind attention of Father George de Laire, correct?

3 A. Yes, it does.

4 Q. And then when you go past the address, it says:
5 Dear Padre, the reports which now circulate on the net about
6 you and your "work" (i.e., imposing unwarranted "precepts"
7 upon the members of the Saint Benedict Center are indeed
8 disturbing and wholly wrong.

9 Did I read that correctly?

10 A. Yes, you did.

11 Q. And then it says: Shameful! Reprehensible!
12 Please comment particularly on this piece which -- rightfully
13 or wrongfully -- has you as the prime actor.

14 Did I read that correctly?

15 A. Yes, you did.

16 Q. And then there's a quote from the Church Militant
17 article, correct?

18 A. It appears that way.

19 Q. And then after that there's another sentence that
20 says: There is more on the website quoted below. It is a
21 dreadful disgrace.

22 Did I read that correctly?

23 A. Yes, you did.

24 Q. Okay. Father de Laire, you testified that you were
25 originally appointed as both the Judicial Vicar and the Vicar

1 of Canonical Affairs by the Bishop in 2013, correct?

2 A. Yes, I did.

3 Q. Was that appointment at any point renewed?

4 A. By canon law the appointment is made for a defined
5 term. The Bishop gets to define what that term is.

6 Until -- so I was renewed in both capacities in
7 2018, it was a five-year appointment, and then I was appointed
8 again for five years, and without grave cause the Bishop could
9 not remove me from that office.

10 In 2023 though the Bishop appointed me for just one
11 year, and he explained to me that it was because of what was
12 going on with the lawsuit.

13 And this past July the Bishop reappointed me for a
14 term of three years.

15 MR. BALESTRIERI: Uh --

16 THE COURT: If you disagree, you can cross-examine.

17 MR. BALESTRIERI: No, it's more of a question for
18 clarification.

19 THE COURT: Okay.

20 MR. BALESTRIERI: Father de Laire, you mentioned --

21 THE COURT: Wait a minute. Just tell me what
22 the --

23 MR. BALESTRIERI: I'm unclear as to what
24 appointments were renewed specifically since he enjoyed two
25 according to Attorney Elovecky.

1 Q. Father de Laire, I believe that you testified to
2 this already, but can you just specify for the Court and for
3 the record, were those reappointments for both of your vicar
4 positions or only one?

5 A. It's one appointment letter appointing me to both
6 positions, as Vicar for Canonical Affairs and Judicial Vicar.
7 Yeah, those are the appointment letters that I received in --
8 the appointment letter I received in 2013, the reappointment
9 in 2018, reappointment in 2023, and, again, reappointment July
10 1st of 2024.

11 Q. Okay. And so you were initially appointed for five
12 years, correct?

13 A. That is correct.

14 Q. For both positions, correct?

15 A. For both positions, correct.

16 Q. And then renewed for five years, correct?

17 A. That is correct.

18 Q. For both positions?

19 A. For both positions.

20 Q. But then renewed for one year?

21 A. That is correct.

22 Q. For both positions?

23 A. For both positions.

24 Q. Okay. And so when you were renewed for one year,
25 that was in 2023, correct?

1 A. Yes. That is correct.

2 Q. So that was the first appointment that postdated
3 the January 17, 2019, article, correct?

4 A. That is correct.

5 Q. And that was the first time that you were appointed
6 only for one year, correct?

7 A. Yes. That is correct.

8 Q. Okay. Father de Laire, in your role as Vicar of
9 Canonical Affairs have you worked at all with any clergy at
10 the Vatican?

11 A. So every year from 2012 onward until 2019 I went to
12 the Vatican to meet with the various offices that I had
13 dealings with to address one-on-one with the various officials
14 cases that might be pending within their own dicasterys or
15 congregations.

16 So, yes, I had regular contact with officials of
17 the Holy See of the Vatican yearly until 2019.

18 Q. What changed in 2019?

19 A. An article that was printed that said that there
20 were people at the Vatican that thought me to be a
21 troublemaker, and supposedly I was known as somebody who was
22 incompetent and having botched cases and embarrassed my
23 bishop, and so it made it a little difficult for me just to go
24 and show my face and make appointments with officials after
25 such was claimed.

1 Q. Were you at any time told that you were not
2 welcome?

3 A. I would say no, but I would also say that that
4 would not be a practice of the Holy See.

5 Q. Prior to 2019 had you ever been told -- strike
6 that. Prior to 2019 were you aware of any criticisms of you
7 by any clergy at the Vatican?

8 A. No. Certainly not to my knowledge. And since I
9 had a very good rapport with all the English speakers of the
10 various congregations that I had dealings with, I mean, yeah,
11 meeting yearly or exchanges via e-mails, going out for meals
12 or coffee, I don't believe that they would take the time,
13 their free time, to interact with me if I was indeed
14 considered a troublemaker or somebody who had ill intentions
15 or ethics or reputations or so on.

16 Q. Did you have any understanding prior to January 17,
17 2019, of what reputation you might have had with clergy at the
18 Vatican?

19 A. I don't think I had any reason to think that my
20 reputation was in any way damaged or not good in the sense
21 that I was always welcomed at the lowest level of the
22 officials to the heads of dicasterys, bishops and cardinals
23 that met with me, some of which I met every single time that I
24 went to Rome whether there was a case before them or not.

25 Q. Okay. Father de Laire, in this litigation you're

1 claiming that you suffered emotional distress as a result of
2 the article, correct?

3 A. Yes, I do.

4 Q. Can you please explain to the Court how that
5 emotional distress has manifested?

6 A. So from the day of the publication of the article
7 until following that publication, I became prone to anxiety
8 attacks beyond the fact that I was treated for anxiety and
9 depression for about nine years prior to the article, but
10 panic attacks, anxiety attacks became way too common in my
11 life at that time.

12 Q. When you say at that time, what do you mean?

13 A. During the months that followed the publication of
14 the article, because ultimately Church Militant picked up the
15 topic again four months later by publishing videos, and then
16 another journalist at Church Militant published an article I
17 want to say June or July of that year, and so plenty of
18 renewed triggers for the attacks and for the feelings that the
19 attacks created or caused.

20 Q. Did you seek any medical treatment for emotional
21 distress that you experienced after January 17th of 2019?

22 A. So, as I've stated, right, I was already under the
23 care of a psychiatrist prior to the article of 2019, and I
24 continued to meet with my psychiatrist according to the
25 schedule that had been established for the two of us. And

1 during some of those meetings post the articles we certainly
2 discussed the impact of the article upon my welfare, my
3 psychological welfare.

4 Q. And you testified that prior to January 17th of
5 2019, you had been experiencing anxiety, correct?

6 A. So, yes, that is correct, I have been experiencing
7 anxiety and depression and had been treated for both since
8 2008 I believe.

9 Q. And were you prescribed medications for those
10 diagnoses?

11 A. I was prescribed a medication that I took daily at
12 just about the same time every day that addressed the overall
13 mood impacts, I guess, or imbalances let's say, but I was also
14 prescribed a medication for any spikes in anxiety or panic
15 attacks, anxiety attacks. Another medication that I was
16 prescribed for that that was therefore prescribed as needed
17 depending on when an attack would come.

18 Q. And so your psychiatrist -- well, strike that.

19 Did your psychiatrist prescribe medication
20 concerning any spikes for anxiety to be taken at a specific
21 time?

22 A. My psychiatrist has been prescribing medication for
23 anxiety attacks that were to be -- the medication was to be
24 taken at the time or whenever I felt the attack coming and
25 just for those instances until the attack had ceased.

1 Q. And how often -- strike that.

2 As of beginning in 2019, how often were you meeting
3 with your psychiatrist?

4 A. On average I was meeting with my psychiatrist every
5 three months.

6 Q. And who was -- what psychiatrist were you seeing at
7 that time?

8 A. My psychiatrist was Dr. Amy Lister until her death
9 last -- I guess it's now a year and a half in January.

10 Q. And so Dr. Lister is no longer living, correct?

11 A. That is correct.

12 Q. Okay. And when you would meet with Dr. Lister, did
13 you have conversations about the level of medication you were
14 taking?

15 A. Part of -- every single meeting with my doctor
16 addressed the dosage frequency of the medication, yes.

17 Q. Did you ever take medication outside of her advice?

18 A. No, I did not. I personally do not like to take
19 medications. Unfortunately, that is part of my life.

20 Q. And so after January 17th of 2019, what changed in
21 your medication?

22 A. The medication that I was prescribed for --

23 MR. BALESTRIERI: Objection. Leading question.

24 What changed? That implies that something changed.

25 THE COURT: That's permissible, though. What, if

1 anything, changed?

2 THE WITNESS: The frequency with which I was taking
3 the medication that was prescribed as needed, which is in
4 response to the increased amount of triggers to my anxiety
5 leading to anxiety attacks. So there was an increase in my
6 taking the medication for those.

7 THE COURT: For how long?

8 THE WITNESS: I'm going to say until my meeting
9 with her the following November. So from January to November.
10 So that's 8, 9, 10 months.

11 THE COURT: All right.

12 Q. Other than frequency of panic attacks, did you have
13 any other symptoms of emotional distress after January 17th of
14 2019?

15 A. After, yes. Well, I mean, the impact upon my
16 sleep, obviously. Although I have been also prescribed a
17 sleep aid medication for years before all of this, but I would
18 have to supplement it with antihistamines or Nyquil or
19 otherwise to help with my sleep.

20 I'm a French -- I know. Yes, I'm going to say it
21 that way. I'm a Frenchman, and therefore I have a weakness
22 for food, and so food became a tool for dealing with my stress
23 and anxiety and all that was piling up at that time.

24 Q. So is it your testimony that your appetite was
25 impacted following the article that was published on January

1 17th of 2019?

2 A. I don't mean to be sarcastic, but it's more than
3 the appetite because ultimately it means that suddenly you
4 have to wear pants that have elastics on the side. I know,
5 but those were all the practical realities that I had to face,
6 but increase and decrease in weight, for instance.

7 Q. Is it your testimony that you had an increase in
8 weight because you like food?

9 A. I had an increase in weight because I was now
10 regularly overeating and compensating or starving because I
11 was unable to eat due to my nerves. So I yo-yoed.

12 Q. Other than Dr. Lister, did you speak with any other
13 medical professionals about your emotional distress?

14 A. I did with my primary care physician because she is
15 the one that prescribed the sleep aid. It was not my
16 psychiatrist that prescribed the sleep aid. I was under that
17 sleep aid medication way before I started with my psychiatrist
18 on the issues of anxiety and depression. So, yes, I discussed
19 it with my primary care doctor.

20 MS. ELOVECKY: Your Honor, at this time I would
21 like to offer as evidence excerpts from Dr. Lister's medical
22 records.

23 At this point Dr. Lister is no longer alive. These
24 were produced in connection with this litigation, they are
25 medical records, and I'm offering them into evidence.

1 I am not able to call Dr. Lister to the stand.

2 THE COURT: I understand. They were produced in
3 discovery, though?

4 MS. ELOVECKY: They were. They are Bates stamped
5 with Dr. Lister's name, and they also were submitted to the
6 Court in connection with our briefing on this matter.

7 THE COURT: Right.

8 So Mr. Balestrieri has copies as far as you know?

9 MS. ELOVECKY: I'm sorry?

10 THE COURT: He has copies?

11 MS. ELOVECKY: He had a copy of that, and I'm happy
12 to present him with one.

13 THE COURT: Do you need another copy or do you have
14 a copy?

15 MR. BALESTRIERI: I don't know. I haven't seen it.
16 What were you referring to?

17 MS. ELOVECKY: It was attached to Father de Laire's
18 --

19 MR. BALESTRIERI: I'm happy to take an extra copy.
20 Thank you.

21 THE COURT: Yeah, you know, that's his medical
22 records, though.

23 THE WITNESS: Precisely.

24 THE COURT: You're going to offer those into
25 evidence?

1 MS. ELOVECKY: It's already on the record. We had
2 that discussion.

3 THE COURT: Wait a minute. It's already on the --
4 I guess it is already on the record.

5 MS. ELOVECKY: Yes.

6 THE COURT: If you want to after this, you can move
7 to seal it. No one is going to object to that.

8 But it's fair game for the hearing. So go ahead.

9 MS. ELOVECKY: And so if they're admitted, I will
10 provide a copy to the clerk, and not ask Father de Laire to
11 review them.

12 THE COURT: Okay. You can submit them.

13 MS. ELOVECKY: Your Honor, may I ask if you would
14 entertain an oral motion to seal this at this time?

15 THE COURT: Mr. Balestrieri, what she means is --
16 she's introduced these medical records, right? Normally all
17 our medical records are private, but you have access to it.
18 If it's sealed, all it means is the public won't have access
19 to it but the parties and counsel will.

20 MR. BALESTRIERI: So it won't be entered online,
21 for instance, in Pacer or anything like that?

22 THE COURT: If it is, it will be in a sealed way
23 that people can't access, but you'll be able to deal with it.
24 You could ask any questions you want.

25 MR. BALESTRIERI: Then I have no objection.

1 THE COURT: Okay. It's allowed.

2 MS. ELOVECKY: Thank you, your Honor.

3 THE COURT: And it's sealed at level 1.

4 Level 1 means, Mr. Balestrieri, you get to have
5 access.

6 MR. BALESTRIERI: Thank you.

7 THE COURT: But it also means you can't disseminate
8 it elsewhere.

9 MR. BALESTRIERI: That's a federal violation. I
10 know. Thank you.

11 Q. Father de Laire, did you experience any depression
12 as a result of the article?

13 A. I'm having a hard time answering the question in
14 the sense that it's difficult to separate at times the
15 depression from the anxiety and the anxiety from the
16 depression.

17 So I would say that I primarily experienced anxiety
18 attacks as a result of the article as opposed to depression,
19 which would imply I guess other sorts of symptoms.

20 Q. Did you at any time have any difficulty engaging
21 with your work after the article came out, in the aftermath of
22 the article?

23 A. Well, it certainly became more difficult to focus,
24 and my productivity certainly went down the tube. So it's --
25 yes, I had a harder time engaging in my work and even in --

1 not just with the tribunal or the administration but also in
2 the parish.

3 Q. Father de Laire, you also claim damages for
4 reputational harm, correct?

5 A. Yes, I did.

6 Q. And why is that?

7 A. It's, well, as a priest, as a Catholic priest at
8 least, a sense of personal integrity, a sense of truthfulness,
9 a sense of, yeah, honesty, are I think associated with the
10 position of a priest. People come to share their problems
11 whether it is within the sacrament of confession or not.
12 People invite clergy into their lives not when life is
13 fantastic. People invite us into their lives when things get
14 tough and they need to find a way to get renewed in hope or
15 other things.

16 And so, yes, my reputation is essential to what I
17 do as a priest. Of course. Did it impact my work and the
18 amount of work at the tribunal? Not really because crises
19 happened in the church daily in one way or another, and so
20 those were not affected by the articles, but my -- yeah, as a
21 person, as a priest -- and my priesthood is my life,
22 obviously. I mean, I gave up quite a bit from my own family
23 to follow this calling. It's -- so, yes. I'm sorry. That
24 was long-winded. I apologize.

25 Q. Did your family read -- strike that.

1 Do you know if your family read the article that
2 was published on January 17th of 2019?

3 A. I know that my three siblings read the article, and
4 I know that my uncle -- at least one of my uncles in France
5 did as well.

6 THE COURT: Where are your siblings?

7 THE WITNESS: One sibling is in Massachusetts just
8 south of here, one is in France, and one is in Thailand.

9 THE COURT: Thank you.

10 Q. What did it mean to you, if anything, that your
11 family saw these words that were written about you?

12 A. Okay. That's -- part of the issue is there's only
13 one de Laire family in the world. That's not my doing.
14 That's just the way it is. It's a name in French history that
15 goes back to 1192, and, therefore, to have my name on the
16 Internet maligned in one way or another addressing my
17 integrity and to have the name de Laire associated with all
18 sorts of wrongdoings was quite perturbing to my uncle, and on
19 top of things my namesake, George de Laire, who was the
20 founder of the family business. A man who today still people
21 post about him on the Internet about his contributions to
22 chemical engineering and so on. For my uncle it was very
23 difficult for him, and he asked me what was I going to do
24 about it to correct the errors. He has since passed, but it
25 was very, very difficult for him.

1 Q. When did your uncle pass?

2 A. He passed on Palm Sunday of 2020.

3 Q. Okay. Okay.

4 Do you know if your uncle believed those statements
5 that were made about you?

6 A. I believe that my uncle loved me and was supportive
7 of me. I think he was much more horrified by the attack to
8 the name.

9 It's difficult to explain I guess when you come
10 from an aristocratic family where a name throughout French
11 history had a certain value associated with it, that suddenly
12 for the first time it suddenly appears in ways that are
13 disgraceful.

14 Q. Father de Laire, do you take pride in the work that
15 you do?

16 A. I take tremendous pride in the work that I do. I
17 mean, I believe that the gifts that I have to do what I do are
18 not mine, and so it's for me to give expression to them to the
19 best of my ability. And so, yes, I take a lot of pride in the
20 work I do across, you know, the spectrum, not just canon law,
21 anything that I would give myself to.

22 Q. And do you consider yourself to be an honest
23 person?

24 A. I'm sorry. I'm going to correct that.

25 I don't consider myself to be an honest person. I

1 know I am.

2 Q. Do you believe that you have a reputation as an
3 honest person?

4 A. Yes, I certainly do believe so.

5 Q. Do you believe that that reputation was harmed as a
6 result of the article?

7 A. Without -- I do believe without a question that
8 that reputation was harmed because of the article, yes.

9 Q. Do you consider yourself to be a fair jurist?

10 A. I think I have been even commended for being fair
11 and unbiased even in matters where I might not be adjudicating
12 but having to walk the tight line of prosecuting and at the
13 same time assuring that the rights of the clergy were being
14 protected even though I was also seeking -- being the one to
15 discipline them. So, yes, I know that I have that reputation.

16 Q. When you say you've been commended to be a fair
17 jurist, as being a fair jurist, who commended you for that?

18 A. Some of the comments that I have received from
19 officials in Rome in response to some of the cases that I have
20 presented and some of the priests that I dealt with on
21 disciplinary matters. Unfortunately, those are the priests
22 that are not going to say anything about it publicly because
23 they don't want it known that they had issues.

24 Q. And do you believe that your reputation as a fair
25 jurist was impacted by this article?

1 A. Well, it certainly put it into question, yes.

2 Q. Okay.

3 MS. ELOVECKY: Your Honor, I rest at this time, and
4 I would like to reserve the right to call him back for any
5 further direct following cross.

6 THE COURT: You can have redirect, sure.

7 MS. ELOVECKY: Thank you.

8 THE COURT: You may proceed.

9 MR. BALESTRIERI: Thank you, your Honor.

10 And in case I was supposed to say something but I
11 didn't, for the record, I respectfully object to the motion
12 for a continuance being denied. I'm only saying that because
13 I didn't say it before.

14 THE COURT: Just by moving you've preserved it.

15 MR. BALESTRIERI: Thank you.

16 Do I address Father de Laire from here?

17 THE COURT: You can address him from there or you
18 can move to the podium if you like. Wherever you're more
19 comfortable.

20 MR. BALESTRIERI: If you can hear me, Father de
21 Laire?

22 THE WITNESS: I can hear you fine, sir. Thank you.

23 CROSS-EXAMINATION

24 BY MR. BALESTRIERI:

25 Q. Father de Laire, have you ever filed a false report

1 to the Federal Bureau of Investigation?

2 A. No, I have not.

3 Q. Have you ever made a report of kidnapping to anyone
4 employed in law enforcement?

5 A. No, I have not.

6 Q. Did you post any of the comments attached to the
7 Church Militant article that was entered on CM -- I think it's
8 document 289-1?

9 A. I'm sorry. I do not know what you're asking.

10 THE COURT: I think he's asking you -- there's a
11 lot of comments after, none of them bear your name, but I
12 think he's asking you if you're the one that posted some of
13 those.

14 MR. BALESTRIERI: Effectively.

15 A. No, I did not.

16 Q. Did you discuss with anyone who shared with you, if
17 that was the case, that they had posted comments on the Church
18 Militant article?

19 A. I did with one person.

20 Q. And can you expand upon that? What did that person
21 say?

22 A. One person contacted me after posting on the
23 website saying that they had posted on the website because
24 they were troubled by what they had read.

25 Q. Regarding the comments referenced by Attorney

1 Elovecky, how do you know that the negative comments were not
2 principally motivated by any other conduct or work product on
3 your part and not based upon the article?

4 A. The comments are in response to the article and are
5 directly attached to the article and are presented as comments
6 based upon the article, so I -- as to speculating beyond that,
7 I'm sorry, I can't.

8 Q. And on what date did your legs allegedly shake
9 after the encounter with the individual you mentioned in
10 church?

11 A. I believe it was within two weeks of the article
12 being published. I do not recall right now from where I am,
13 but there are court documents that were filed with the case
14 that specify exactly when it happened because associated with
15 that was my conversation with the chief of police in Amherst,
16 for instance. So I know that it's in the record. I apologize
17 for not remembering at this point.

18 Q. And do you know whether that individual was
19 identified subsequently by name?

20 A. I do not know that, no.

21 Q. Do you know if that individual had a psychological
22 history prior to approaching you?

23 A. I have no idea.

24 Q. In 2018 in a vestibule of the annual -- the hotel
25 conference center of the annual canon law conference, do you

1 recall both of us speaking for about 20 minutes on the margin?

2 A. So I believe it was actually in the back of the
3 room where the last of the presentation was happening as
4 people were making their way out, taking their suitcases. So
5 it was not in the lobby of the hotel, but it was actually in
6 the conference center while the conference was being given,
7 and we both stood, yes, in the back of that room.

8 Q. I'm glad you recall those details, Father.

9 I make reference to the affidavit that I filed,
10 document 292-1.

11 Do you need to have that in front of you, Father?

12 A. If you're going to ask me to comment on it, I would
13 like to have a copy. Yes, please.

14 MS. ELOVECKY: Your Honor, I'm going to object to
15 this line of questioning inasmuch as it's referenced already
16 in the affidavit. It's clear that this goes to liability and
17 the truth of the statements that were made. I don't see how
18 this is related to damages, and I, therefore, object to this
19 line of questioning.

20 MR. BALESTRIERI: My response, your Honor, is that
21 the plaintiff has asserted under penalty of perjury in his
22 affidavit, as well as here on the stand I presume, I don't
23 recall him being given the oath, but I presume he's still
24 under oath, that --

25 THE COURT: Did we not swear him in?

1 THE CLERK: He was sworn in.

2 THE COURT: He was sworn in.

3 MR. BALESTRIERI: He was sworn in. Thank you.

4 That he never -- I mean, this is an admission
5 against himself that he made to me in person that is a direct
6 interaction that we both had, plaintiff and defendant, and I
7 consider it to be an admission against himself. He recognized
8 his errors. He apologized subsequently to a complaint being
9 received by his bishop by him. That is very material because
10 it's a recognition of the errors that he committed and the
11 consequences arising from them.

12 THE COURT: The consequences.

13 Understood. Go ahead.

14 MS. ELOVECKY: I think that the response makes
15 clear that this goes to liability and the truth of the
16 statements made in the article and are not at all related to
17 damages.

18 THE COURT: See, here's the problem. Normally I
19 would say you're right, but you asked him questions during
20 your direct that went to liability. You asked him things
21 about -- and only as it relates to damages, but you asked him
22 questions like, had anybody ever questioned you before, had
23 anybody ever accused you before. You really opened the door
24 to that type of questioning.

25 MS. ELOVECKY: Your Honor, those questions were

1 actually going to his reputation prior to the time of the
2 article. It established a strong reputation prior to the
3 article. That was the intent of those questions, and they did
4 not go to liability.

5 In order to assert harm to reputation we have to
6 assert a strong reputation prior to the defamatory statements,
7 and that is what we did.

8 THE COURT: Well, here's the problem. I'm the
9 judge of what you did.

10 MS. ELOVECKY: Okay.

11 THE COURT: I understand your intent, but the way
12 you went about it --

13 I'm not going to let you go crazy with this, Mr.
14 Balestrieri, I'm not going to let you go on and on.

15 But I do think the door has been opened a bit to
16 whether the damages -- like, I mean, if you're saying -- it's
17 one thing to say I had a good reputation before this, and I
18 don't question that you did, Father, but you got specific
19 about it.

20 So I'm going to give him a little latitude.

21 MS. ELOVECKY: Okay, your Honor. Thank you.

22 MR. BALESTRIERI: Thank you.

23 Q. Father de Laire, on that occasion just referenced
24 do you recall having --

25 THE COURT: But I need to caution you, also. You

1 need to understand a judgment of defamation has been entered
2 against you. That presumes the falsehood of some statements.

3 I understand what you're trying to establish here,
4 but we're not going to retry the defamation case. So don't be
5 deceived by my ruling.

6 MR. BALESTRIERI: I'm not deceived, but at the same
7 time I concur with your Honor that counsel for the plaintiff
8 reopened that box by asking a number, and I took them down,
9 they're in the transcript, a number of questions that went way
10 beyond did you have a good reputation prior to 2019.

11 THE COURT: Go ahead.

12 MR. BALESTRIERI: Thank you.

13 Q. Father de Laire, do you recall on that occasion
14 having said to me, "I never wanted to become a canon lawyer.
15 I did what I did because I was ordered to do so by my
16 bishop."?

17 A. I do not recall saying that, no.

18 Q. And do you recall apologizing to me for the
19 "errors" that you committed?

20 A. That I do remember. Yes, I did.

21 Q. What errors were you referring to?

22 A. In specifics, I do not recall. I'm sorry.

23 Q. But you do recall having asserted that you
24 committed errors regarding the cases?

25 A. I remember thanking you, Mr. Balestrieri, for

1 bringing to the attention of the tribunal clerical errors that
2 were made during the proceeding of one case and thanking you
3 for that because that made me aware of the fact that errors
4 were being made that I now as Judicial Vicar needed to address
5 with the staff to make sure that those errors were not made
6 again.

7 So, yes, I absolutely do remember thanking you for
8 bringing those errors to my attention.

9 Q. And by clerical errors, do you mean those committed
10 by clerics or minor administrative errors or any other errors?
11 What do you mean by clerical errors?

12 A. By clerical errors, I -- if I remember correctly
13 the case, there were issues as to when certain -- the
14 erroneous dating on some of the documents that were entered
15 into what we call the acts of the case, the documents that are
16 part of a case.

17 Q. And would those errors -- would one of them be, for
18 instance, the fact that a summons was issued to a plaintiff to
19 appear prior to that plaintiff having introduced a bill of
20 complaint seeking anything from the Tribunal of Manchester?

21 A. I do not remember any of the specifics, sir.

22 The Tribunal of the Diocese of Manchester processes
23 more cases than the Archdiocese of Boston. For me to remember
24 what cases and the specifics of cases on which I was not even
25 serving as a judge, so I was not even adjudicating that case,

1 for me to remember specifics, I apologize. I guess my memory
2 is not that good.

3 THE COURT: Just let me interrupt for a second.

4 You know, when you talked about some of your work
5 before, it actually sounded to me as if the Diocese of
6 Manchester had sort of a slow docket, but you're telling me
7 it's got a very busy docket?

8 THE WITNESS: We have a -- it's a slow docket from
9 the perspective that processing takes a while, but the volume,
10 the volume is at times 30 percent more than that of the
11 Archdiocese of Boston.

12 THE COURT: Really?

13 THE WITNESS: With triple the -- quadruple the size
14 of the Catholic population.

15 THE COURT: And less staff, I assume.

16 THE WITNESS: I do not know the staffing situation
17 in Boston. I don't.

18 THE COURT: What do you attribute that to, the high
19 volume?

20 THE WITNESS: The current bishop has made it an
21 effort in response to Pope Francis's call to be more pastoral
22 and to reach out to the faithful and provide the faithful
23 avenues for them to be reconciled in the church or to have
24 their status clarified in the church, and clergy throughout
25 the Diocese of Manchester have been encouraged to work with

1 their parishioners.

2 THE COURT: That has generated more canon
3 litigation?

4 THE WITNESS: Yes. Marital cases are trials in the
5 church.

6 THE COURT: Are marital cases what is driving the
7 numbers?

8 THE WITNESS: That is. It's purely marital,
9 annulment cases, yes.

10 THE COURT: Thank you.

11 Sorry for that diversion. I was just sort of
12 intrigued. Go ahead.

13 Q. Father de Laire, do you recall an exception of
14 suspicion raised on the 2nd of November 2016 against a certain
15 Monsignor Gilbert, a judge of your tribunal, as well as a
16 complaint about your conduct in that case that was produced in
17 document 292-2?

18 A. If you are making reference to the complaint you
19 raised as to the case for which you were the advocate or
20 procurator for one of the parties, I believe that ultimately
21 is the only instance in my time as Judicial Vicar that such a
22 complaint came through.

23 So if that is the one that you're making reference
24 to, yes, I do recall the complaint being made.

25 Q. Do you only recall one complaint pertaining to a

1 marriage nullity case?

2 A. I just identified it as -- you identified the
3 complaint with specific terminology, sir.

4 Q. And that was against Monsignor Gilbert, the
5 exception of suspicion.

6 I'm referring to page 2.

7 A. I do not have the document in front of me, sir.

8 Q. Right. So page 2 -- pardon me, 3 of 5, document
9 292-2, if I can read what I submitted?

10 THE COURT: Counsel, can you give him a copy?

11 MS. ELOVECKY: Me?

12 THE COURT: Yeah.

13 MS. ELOVECKY: I didn't prepare this exhibit.

14 THE COURT: No, but you have a copy, don't you?

15 MS. ELOVECKY: I do.

16 THE COURT: He's your client.

17 I guess if you prefer he not see what --

18 MS. ELOVECKY: Can I see what you're talking about?
19 Because my copy does not have the ECF numbers on it.

20 So it's this?

21 MR. BALESTRIERI: It's the same thing. 292 ---

22 MS. ELOVECKY: And are you only going over these as
23 well or should I only give him this one?

24 MR. BALESTRIERI: Well, okay. Yes, you can give
25 them all to him.

1 THE COURT: You may as well give it all to him.

2 MS. ELOVECKY: Yeah, but once again, my copy does
3 not have the same page numbers across the top as yours so
4 you're going to have to use something else.

5 THE COURT: To refer him use -- is there anything
6 at the bottom of the page or anything, page numbers, anything?

7 MR. BALESTRIERI: No, your Honor, but this is a
8 document he has already seen. He's already in possession of
9 it.

10 THE COURT: I know, but that doesn't mean he's
11 going to know where to look on a page when you start --

12 MR. BALESTRIERI: I'll indicate.

13 Q. Father de Laire, if you're looking here at the
14 exception of suspicion dated 24 November 2015, I'm referring
15 to the second page of that document and the paragraph
16 beginning, quote, Sixth, and most gravely, the testimony
17 of --"

18 THE COURT: Slow down.

19 Q. Quote, one of the parties, already collected by the
20 Court as of 24 November 2015 was withheld from examination by
21 the undersigned Procurator-Advocate of the (party redacted)
22 during his visit to the Tribunal of the Diocese of Manchester
23 --

24 THE COURT: You've got to slow down. The reporter
25 can't keep up with you when you read fast. It happens every

1 day in court. You've got to slow it down.

2 MR. BALESTRIERI: Pardon me, your Honor.

3 Q. -- during his visit to the Tribunal of the Diocese
4 of Manchester, in grave violation of the norm of Articles 157
5 paragraph 2, 159 paragraph 1, section 2, DC," referring to
6 Dignitas Connubii, the instruction, taken together with --
7 Canon 1678 paragraph 1, section 1, of the Code of Canon Law.

8 Do you recall what those canons refer to
9 specifically?

10 A. I recall the fact that this complaint was filed as
11 part of the appeal raised by the party to the Roman Rota, the
12 highest appellate court in Rome, and how the Rota adjudicated
13 irrelevant the points that are raised in this document.

14 Q. Father de Laire, I'm asking you if you recall --

15 THE COURT: We're too far in the weeds now. We're
16 too far in the weeds.

17 MR. BALESTRIERI: I'm sorry. Say again?

18 THE COURT: We're too far in the weeds now. This
19 is a damages hearing.

20 MR. BALESTRIERI: Your Honor, Father de Laire has
21 admitted on the stand that he committed errors.

22 THE COURT: Yeah, sure.

23 MR. BALESTRIERI: And I'm trying to --

24 THE WITNESS: No. I'm sorry. I did not. I did
25 not.

1 MR. BALESTRIERI: You did not?

2 THE WITNESS: I testified that --

3 THE COURT: That he apologized to you.

4 THE WITNESS: For errors committed by the tribunal.

5 I did not testify -- I mean, we can -- maybe the
6 court reporter --

7 THE COURT: Say what you want to say.

8 THE WITNESS: I did not --

9 THE COURT: He's not accepting your premise that he
10 admitted to errors, but I'm telling you, all right, counsel
11 did open this door a little bit, but in a general way, right?
12 What you need to establish is that the damages -- what I'm
13 going to allow you to do is that the damages that he's
14 alleging and that they are proving in this hearing are
15 attributable to something different than the defamation.
16 That's the -- if she's opened the door at all, and I think she
17 has a little bit, that's what she's opened, but not to
18 relitigate the falsehood of the ten statements because that's
19 been adjudicated. That's over.

20 MR. BALESTRIERI: Your Honor, I would concede that
21 point but for one point.

22 THE COURT: I'm listening.

23 MR. BALESTRIERI: That is that Father de Laire
24 wrote an affidavit rehashing a number of factual allegations
25 denying the factual allegations. No one compelled him to

1 submit an affidavit under the penalties of perjury making
2 allegations of fact or denying certain allegations of fact,
3 the fact that he ever botched any cases, that there were no
4 complaints sent to the Holy See to the Roman Curia. He opened
5 up that box.

6 Secondly, his counsel here today spent 45 minutes
7 going through a number of points which you recognized yourself
8 as opening up a certain box again.

9 THE COURT: I get it.

10 MS. ELOVECKY: I'm sorry, your Honor. The
11 affidavit that was submitted with this proceeding -- in
12 connection with this proceeding listed what the defamatory
13 statements were. It did not go through defenses to those
14 statements. It was focused on damages.

15 I don't know what affidavit would be relevant other
16 than the one that was appended to the brief seeking damages.

17 THE COURT: That would be the only one.

18 MS. ELOVECKY: Correct. And that focused on
19 damages. It did list defamatory statements, but it didn't
20 list defenses to such.

21 THE COURT: Understood, counsel.

22 Oh, counsel -- I mean, Mr. Balestrieri, the
23 affidavit you're referring to, I assumed it was the damages
24 affidavit, but you're saying, counsel, it's a different
25 affidavit?

1 MS. ELOVECKY: Yes.

2 MR. BALESTRIERI: That's a lack of clarity.

3 I'm referring to this one which was filed on
4 February 4, 2025, document 289-2.

5 THE COURT: Well, that's the damages affidavit.

6 MS. ELOVECKY: Yes. And what I'm seeing that he
7 has highlighted is the list of defamatory statements that says
8 these were untrue.

9 MR. BALESTRIERI: It says, "When I reviewed the
10 article, I identified several untrue statements."

11 He didn't simply repeat what your Honor had
12 decided. He said, "I identified several untrue statements
13 about me, including, but not limited to, the following."

14 He was not quoting. Those are new assertions under
15 penalties of perjury.

16 THE COURT: Yeah, but -- so what are you saying,
17 this goes to his credibility?

18 MR. BALESTRIERI: Yes, sir.

19 THE COURT: As a witness in the damages hearing?

20 MR. BALESTRIERI: As the alleged victim.

21 THE COURT: Well, no. His damages as the alleged
22 victim are all we're here to decide.

23 His credibility -- all right. His credibility --
24 he doesn't have credibility as a victim. The victim has
25 already been established.

1 MR. BALESTRIERI: Forgive me.

2 As the plaintiff seeking a certain award of
3 damages, he is saying all of this to bolster his claim for
4 \$100,000 in damages.

5 THE COURT: Yeah.

6 MR. BALESTRIERI: He obviously thought it was
7 relevant because he made those new assertions.

8 THE COURT: Hold on a minute.

9 A lot of this I think was just laid out as sort of
10 background foundation in his affidavit.

11 See, I'm not focused on the affidavit really. I'm
12 focused on the fact that -- she did ask him some questions
13 about whether certain -- and they were more reputational, his
14 standing, right? Had you ever been accused of this before?
15 Were you aware anybody ever said this of you, that you were a
16 troublemaker? Things of that nature, right?

17 So my view is if he had been called a troublemaker
18 before, that could cause emotional distress separate and apart
19 from or in addition to your defamatory conduct. So it's
20 relevant in this hearing, you're right, but those are --
21 that's the kind of thing you can get into. I don't want to go
22 hammer and tongs through the ten statements. Those have been
23 adjudicated as defamatory.

24 MR. BALESTRIERI: I'm not going through any number
25 of statements. I'm going through what he asserted in an

1 affidavit in support of damages.

2 Now, if they're not relevant, then why did he make
3 those assertions in his affidavit? Why did he submit that
4 affidavit as it is? He brought up the relevance of those
5 facts.

6 THE COURT: I think he was ordered to submit an
7 affidavit, actually.

8 MS. ELOVECKY: He was ordered to submit an
9 affidavit. And, again, the affidavit lists as subparagraphs
10 (a) through maybe (h) what the defamatory statements were
11 without putting forward any defense concerning -- or
12 allegation that they were untrue.

13 MR. BALESTRIERI: I'm sorry. He says right here,
14 "I identify --"

15 THE COURT: Don't interrupt her. Hey, hey, hey,
16 don't interrupt her.

17 MR. BALESTRIERI: Pardon me.

18 MS. ELOVECKY: Following the summary of the
19 statements the affidavit does not continue to say this
20 statement was untrue for this reason, this statement was
21 untrue for this reason. It simply lays them out as
22 foundational as to what's before the Court.

23 THE COURT: Yeah. All right.

24 Anyway, look, we're not relitigating the defamation
25 trial here. What you need to focus on are what he said about

1 his damages and the source of those damages.

2 If you can show that the damages he's claiming were
3 not caused by the defamatory conduct, I'll let you cross on
4 it, I'll let you inquire on it, but that's what you're allowed
5 to do.

6 MR. BALESTRIERI: Your Honor, it's my premise, my
7 representation that the causation for the damages he suffered
8 is not the published article. It's his own bad conduct, his
9 own errors.

10 I brought here upon request two witnesses, parties
11 to these cases, who agreed to testify to this particular kind
12 of causation where these parties were involved in these cases.

13 THE COURT: All right. Look, it's 5 o'clock. So
14 obviously you have a long way to go. In other words, you want
15 to cross-examine the plaintiff and you want to present
16 evidence. You have witnesses.

17 MR. BALESTRIERI: I've had my time cut short
18 dramatically compared to plaintiff's counsel, your Honor, and
19 I need to make my case.

20 THE COURT: Of course. You're not hearing me out.
21 I'm not telling you you're done. I'm telling you it's
22 5 o'clock and I've got staff here that's got to go home.

23 MR. BALESTRIERI: Of course.

24 THE COURT: So we're going to have to continue the
25 hearing another day. That's what I'm telling you.

1 Do you know of some other magic way we can do this?

2 MR. BALESTRIERI: No, your Honor.

3 I'm frustrated in having to spend more limited cash
4 in order to return here, but I understand the need to do so.

5 THE COURT: Yeah. Okay.

6 So, look, here's what we're going to do. We've got
7 to suspend for today.

8 What I want you to do since you're both here, all
9 right, is with Kellie I want you to pick a new date for the
10 next hearing because he's entitled to defend himself at this
11 hearing.

12 MS. ELOVECKY: Oh, I'm not objecting.

13 THE COURT: So we've got to find a day that you can
14 come back. And I realize it's burdensome so I'm not saying
15 you've got to come back next week, but try to figure out a day
16 that you can travel back and we'll continue the proceeding.

17 MR. BALESTRIERI: I'm grateful for your
18 understanding and decision.

19 Thank you, your Honor.

20 THE COURT: And the one thing I guess I would
21 suggest to you, you know, given that you've got a little time
22 here, is perhaps rethink our conversation at the beginning
23 because you're going to have some time here.

24 MR. BALESTRIERI: Which means you're suggesting
25 that I endeavor to --

1 THE COURT: Well, I'm saying that if an attorney --
2 I would at least consider an attorney representing you.
3 Although, for what it's worth, you apparently know what you're
4 doing in a courtroom.

5 MR. BALESTRIERI: No, your Honor.

6 THE COURT: You don't think you do, but I'm telling
7 you that you do. Anyway, at least from what I'm seeing. I
8 know you feel like you probably don't know the rules that
9 well, but you know how to question a witness, that's clear,
10 and that's really what we're doing here.

11 Look, it's going to be up to you. I'm just
12 reminding you. That's all.

13 MR. BALESTRIERI: Thank you, your Honor.

14 THE COURT: Okay. So don't leave until you tell
15 Kellie -- until you figure out a date. If you can't figure
16 out a date because it's too hard right now, we'll have to do
17 it on the phone later, but take a shot.

18 MR. BALESTRIERI: Understood. Thank you.

19 THE CLERK: Your Honor, could I ask that they file
20 a witness list so I know the names for the next hearing?

21 THE COURT: Yeah.

22 Before the next part of the hearing you can tell us
23 who your witnesses are going to be.

24 MR. BALESTRIERI: Thank you.

25 MS. ELOVECKY: I would appreciate the same. Thank

1 you.

2 THE COURT: Yeah, that's true. She's supposed to
3 know who you're going to call so she can prepare.

4 MR. BALESTRIERI: No one ever told me. No one
5 asked me any questions about this.

6 Again, I'm pro se. That's why I need counsel, your
7 Honor.

8 THE COURT: Okay. We are in recess.

9 (Hearing adjourned at 5:05 p.m.)

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C E R T I F I C A T E

I, Susan M. Bateman, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings to the best of my knowledge, skill, ability and belief.

Submitted: 5-12-25 /s/ Susan M. Bateman
SUSAN M. BATEMAN, RPR, CRR